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Excluding gambling  
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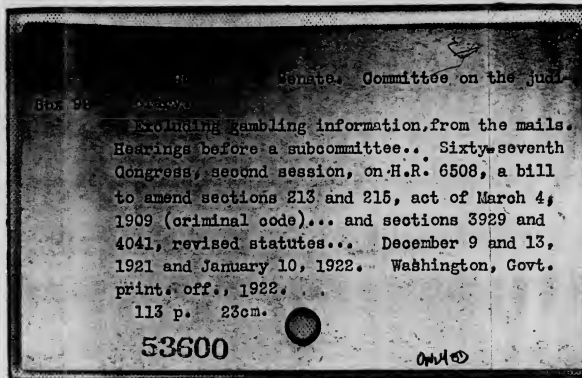
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# Excluding Gambling Information from the Mails

## HEARINGS

BEFORE A

### SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

SIXTY-SEVENTH CONGRESS

SECOND SESSION

ON

## H. R. 6508

A BILL TO AMEND SECTIONS 213 AND 215, ACT OF MARCH 4, 1909 (CRIMINAL CODE), RELATING TO OFFENSES AGAINST THE POSTAL SERVICE, AND SECTIONS 3929 AND 4041, REVISED STATUTES, RELATING TO THE EXCLUSION OF FRAUDULENT DEVICES AND LOTTERY PARAPHERNALIA FROM THE MAILS, AND FOR OTHER PURPOSES

DECEMBER 9 AND 13, 1921

AND JANUARY 10, 1922

Printed for the use of the Committee on the Judiciary



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1922

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## EXCLUDING GAMBLING INFORMATION FROM THE MAELS.

FRIDAY, DECEMBER 9, 1921.

UNITED STATES SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,  
Washington, D. C.

The subcommittee met, pursuant to call, at 10.30 o'clock a. m., in the committee room, Capitol, Senator Thomas Sterling, presiding.

Present: Senator Sterling (chairman).

Senator STERLING. While other members of the subcommittee are not present, one of them, I understand, being in attendance at a meeting of another subcommittee, I think perhaps we had better proceed with the testimony, it being understood, of course, that the testimony or statements made here will be taken down and printed.

This hearing is on the bill H. R. 6508, "An act to amend sections 213 and 215, act of March 4, 1909 (criminal code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes."

I will ask to have printed in the record at this point sections 213 and 215 of the act of March 4, 1909 (Criminal Code), and sections 3929 and 4041 of the Revised Statutes as they appear at the present time.

(The sections of the laws referred to are as follows:)

[Sec. 213, Criminal Code.]

SEC. 213. No letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined no more than one thousand dollars, or imprisoned no more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

[Sec. 215, Criminal Code.]

SEC. 215. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious



article, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called the "sawdust swindle," or "counterfeit-money fraud," or by dealing or pretending to deal in what is commonly called "green articles," "green coin," "green goods," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cigars," or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, shall, for the purpose of executing such scheme or artifice or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside the United States, in any post office, or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the post office establishment of the United States, or shall take or receive any such therefrom, whether mailed within or without the United States, or shall knowingly cause to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

[Sec. 3929, Rev. Stats.]

Sec. 3929. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post office at which registered letters arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such registered letters to the postmaster at the office at which they were originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster General may prescribe. But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by registered letters to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself.

[Sec. 4041, Rev. Stats.]

Sec. 4041. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person to open any letter not addressed to himself. The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way.

Senator STERLING. I will ask to have printed here also the House bill, 6508.

(The bill referred to is here printed, as follows:)

[H. R. 6508, Sixty-seventh Congress, first session.]

AN ACT To amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 213, act of March 4, 1909 (Criminal Code), is hereby amended to read as follows:

"Sec. 213. No letter, package, postal card, or circular concerning any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or concerning any article, device, or thing designed or intended for the conduct of such lottery, gift enterprise, or scheme; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance; and no article, device, or thing designed or intended for the conduct of such lottery, gift enterprise, or scheme, or matter relating thereto; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, or containing any advertisement of any article, device, or thing designed or intended for the conduct of such lottery, gift enterprise, or scheme, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit, or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

Sec. 2. That section 215, act of March 4, 1909 (Criminal Code), is hereby amended to read as follows:

"Sec. 215. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or to sell, dispose of, loan, distribute, supply or furnish or procure for unlawful use any unfair, dishonest, or cheating gambling article, device, or thing, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called the "sawdust swindle," or "counterfeit-money fraud," or by dealing or pretending to deal in what is commonly called "green articles," "green coin," "green goods," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cigars," or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, shall, for the purpose of executing such scheme or artifice, or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside the United States, in any post office, or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the post office establishment of the United States, or shall take or receive any such therefrom, whether mailed within or without the United States, or shall knowingly cause to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement, shall be fined not more than \$1,000, or imprisoned not more than five years, or both.

All matter, the deposit of which in the mails is by this section made punishable, is hereby declared nonmailable."

SEC. 3. That section 3929, Revised Statutes, as amended, is hereby further amended to read as follows:

"Sec. 3929. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or that any person or company is conducting any scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is selling, offering for sale, or sending through the mails any article, device, or thing designed or intended for the conduct of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or any unfair, dishonest, or cheating gambling article, device, or thing, instruct postmasters at any post office at which letters or other matter arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such letters or other matter to the postmaster at the office at which they were originally mailed, with the word 'Fraudulent' plainly written or stamped upon the outside thereof, and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster General may prescribe. But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by letters to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself."

Sec. 4. That section 4041, Revised Statutes, as amended, is hereby further amended to read as follows:

"Sec. 4041. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or that any person or company is conducting any scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is selling, offering for sale, or sending through the mails any article, device, or thing designed or intended for the conduct of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or any unfair, dishonest, or cheating gambling article, device, or thing, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person to open any letter not addressed to himself. The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, or device that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way."

Sec. 5. No newspaper, post card, letter, circular, or other written or printed matter containing information, or statements, by way of advice or suggestions, purporting to give the odds at which bets or wagers are being laid or waged, upon the outcome or result of any horse race, prize fight, or other contest of speed, strength, or skill, or setting forth the bets or wagers made, or offered to be made, or the sums of money won or lost upon the outcome or result of said contests by reason of such bets or wagers, or which sets forth suggestions as to the odds at which bets or wagers should or may be made or laid, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, and such matter is hereby declared to be nonmailable, and any person who deposits or causes to be deposited, or shall send or cause to be sent, any such thing to be conveyed or delivered by mail, shall be fined not more than \$5,000, or imprisoned not more than five years, or both such fine and imprisonment.

Passed the House of Representatives October 12, 1921.

Attest:

WM. TYLER PAGE, Clerk.

Senator STERLING. I will submit for the record also House concurrent resolution No. 30, adopted by the House of Representatives of the Legislature of the State of Louisiana, memorializing Congress to prohibit the transmission through the mails or in interstate commerce of information concerning betting on horse races.

The resolution is as follows:

[Act No. 17, House concurrent resolution No. 30, by Mr. De Paoli.]

A concurrent resolution memorializing Congress to prohibit transmission through the mails or in interstate commerce of information concerning betting on horse races.

Whereas subsequent to the prohibition of bookmaking on race tracks by Louisiana and other States, handbook betting has become a pernicious and demoralizing form of gambling, tempting young and old of both sexes, exercising a corrupting influence over American youth and manhood, often leading to great crimes and wrecking many homes; and

Whereas the State of Louisiana has enacted legislation denouncing handbook betting as gambling, punishable by fine and imprisonment; and

Whereas enforcement of such legislation is rendered difficult, if not impossible, by reason of the fact that there is no inhibition against the interstate transmission by telegraph, telephone, express, and postal service of information concerning horse racing, including entries, form charts, betting odds, tips, and similar sinister suggestions essential to the successful operation of handbooks; and

Whereas the suppression of this vice is therefore a national problem, not one with which the States individually may deal successfully, a problem on all fours with that of the Louisiana lottery, the destruction of which was only made possible by congressional action in 1891, denying it the use of the mails and express service for the transmission of its tickets and the results of its drawings; and

Whereas Louisiana and other States in which this evil has found lodgment and daily increases its ramifications are entitled to the support of the National Government in their effort to suppress it for the protection of the weal of their several communities: Therefore be it

Resolved by the House of Representatives of the State of Louisiana (the Senate concurring), That the Senate of the United States be memorialized to pass the act which has passed the National House of Representatives, which will forbid and penalize the transmission by telegraph, telephone, mail, or express or other medium of interstate transportation of form charts, entries, betting odds, tips, and other methods of suggestions, since it has been demonstrated that the only effective method of combating such an evil, as evidenced by Federal laws relative to lotteries, is action taken by the Federal Congress.

Resolved further, That the secretary of state is hereby directed to immediately transmit to the United States Senate and to the Louisiana delegation in Congress certified copies of this resolution.

R. F. WALKER,  
Speaker of the House of Representatives.

HEWITT BOUANCHAUD,  
Lieutenant Governor and President of the Senate.

Approved, November 4, 1921.

JNO. M. PARKER,  
Governor of the State of Louisiana.

A true copy.

JAMES J. BURLEY,  
Secretary of State.

Senator STERLING. The order of procedure will be to hear first those who favor the enactment of this legislation. As I understand, Mr. H. N. Pringle has the matter in charge on that side for the day. Anyhow, we will hear Mr. Pringle now.

STATEMENT OF MR. H. N. PRINGLE, ASSISTANT SUPERINTENDENT OF THE INTERNATIONAL REFORM BUREAU, WASHINGTON, D. C.

Mr. PRINGLE. Mr. Chairman, H. R. 6508 proposes to bar from the mails gambling devices, advertisements of the same, and announcements of bets, betting odds, and winnings on gambling, as a provision for checking, if not entirely stopping, the embezzlements, larcenies, forgeries, and defalcations, and also affrays, assaults, murders, and other crimes which spring from the dishonesty that is common in gambling or from the heavy and unexpected losses that result from gambling. This bill is

fair and reasonable, inasmuch as it does not attempt to interfere with gambling or gambling implements, in a State or locality, or from one locality to another inside of the State, except as the United States mails might be used for that purpose. Section 5 in no other way restricts the legalized gambling at race tracks in Kentucky, Maryland, or Nevada, or in a few other States where turf gambling is promoted in violation of the law. Section 5 does not attempt to enforce State laws, or to interfere with such regulations as a very few States have granted in favor of race-track betting, but merely to prevent those States, which legalize gambling from projecting their lawlessness into 45 States which do not legalize it largely by means of the United States mails.

Senator STERLING. Do any of the 45 States prohibit it, Mr. Pringle? You say they give no permission; do they prohibit?

Mr. PRINGLE. Yes; 45 States prohibit turf gambling by statutes and two by injunction process. In Illinois, for example, Hawthorne and Washington tracks were closed by threat of injunction when Carter Harrison was mayor of Chicago, and no jockey club track has conducted racing in Illinois since then.

There is a misunderstanding in the public mind, and possibly by some Members of Congress, in regard to what racing is. Our friends on the other side often use the term "racing." What is meant by that term? Their language would indicate that they refer to running races exclusively, such as you may find in the racing calendar issued by the Jockey Club, No. 18 East Forty-first Street, New York, where under the racing dates for the year is a subcaption "Meetings sanctioned by the Jockey Club"; and in this list are about 13 tracks at all of which promoted gambling by professional bookmakers takes place.

My reference is not to occasional bets, such as one may witness at any horse trot or ball game, but to the operations of men who follow the horses in many States and make it their occupation to conduct betting, taking a dozen or even one hundred bets on a single race, serving all comers and always laying against the horse in order to take the long end of the bet.

Senator STERLING. What relation has that, Mr. Pringle, to what I have heard termed "bookmaking" at races?

Mr. PRINGLE. It is a form of the old-style bookmaking, with card-board tickets. But now tickets are not issued, and this form is called "oral betting." You can see it now at New Orleans. The bookmaker receives from the players little slips on which bets are written. He puts these in his pocket, and at the close of each race he takes out those bets for \$20, \$50, \$100, etc., and hands them to another man who goes into the grandstand, perhaps, and sorts them all over, and records the bets; and thus the bookmaker knows just how much, each patron has laid, and whether his deposit is sufficient for bets on the next race. The pay-off for winners may be just outside the gate after the last race or under the grandstand the next day.

The other kind of racing, which is ignored by our opponents in their presentation, includes about 800 organizations for trotting or pacing, which neither promote gambling or permit it. These legitimate and law-respecting organizations for trotting are thirty-six times more numerous than the running races for promoted gambling.

Here is volume 36 of Wallace's Yearbook, which contains about eight times as much material on the records and pedigrees of horses, and their performances, as are found in the largest annual publication on running horses of the jockey clubs. The latter class of tracks number scarcely 40 in all of North America.

Senator STERLING. Is it your claim that the trotting and pacing races in the book to which you refer are legitimate, and there is no objection to them?

Mr. PRINGLE. Yes. I never heard a representative of those 800 trotting associations objecting to legislation against race-track gambling. Possibly 1 per cent of trotting associations have permitted bookmakers to operate on their grounds, as at North Randall, Ohio, and Hagerstown, Md.; but I will challenge the opponents of this Post Office bill to name one jockey club track in the United States which has no promoted betting by bookmakers or pari-mutuels, or to name one track for running races under the jockey club management which has continued racing where anti-betting legislation has been enacted and enforced, at any time during the past 20 years.

These 800 trotting associations pay out thousands of dollars for officers to prevent gambling. They throw the gamblers out and keep the gates open.

We appealed to this committee and to the Senate to enact this bill to protect the country from such financial injury as was mentioned in my opening statement, and to prevent such violent and criminal acts as occur in connection with race-track betting, and to prevent the projection of data on gambling odds and gambling winnings into 45 States, which have enacted anti-betting laws but are powerless to stop or hinder what goes in the mails, however unjustly it may conflict with State laws. For ex-

ample, here is a letter addressed by Jack Ford, of Louisville, Ky., to a man in rural New York, importuning the latter to buy each day a betting tip on a southern race track. Such circulars are now available.

"Pending handbook cases number 86," is the caption of an item in the Washington Star of June 3, 1921. The North American, of Philadelphia, on August 31, 1920, has the headlines, "Accuse trust company man of \$300,000 embezzlement." The respondent testified that he lost it on the races at Havre de Grace and Saratoga.

Senator STERLING. Do you offer any of those for the record, Mr. Pringle?

Mr. PRINGLE. Yes; if it is the wish of the committee. "This matter of embezzlement has been so serious in Louisiana that the constitutional convention of 1921 passed resolution No. 146, of which I will read one paragraph. [Reading.]

"Be it resolved by the constitutional convention of Louisiana, that the Congress of the United States be memorialized to pass an act which will forbid and penalize the transmission by telegraph, telephone, mail, or express or other medium of interstate transportation, of form charts, entries, betting odds, tips, and other methods of suggestions, since it has been demonstrated that the only effective method of combating such an evil, as evidenced by Federal laws relative to lotteries, is action taken by the Federal Congress."

The United States ought to rise to the moral level of the great majority of States in regard to gambling legislation.

The first four sections of this bill harmonize with the laws of every State in the Union in regard to gambling implements, loaded dice, marked cards, controlled wheels, friction retards, and electrical devices, which sections 1 to 4 would exclude from the mails, and in 45 States section 5 would harmonize with the State legislation pertaining to race-track gambling; and in the other three States, with which it does not harmonize, it would merely require the gamblers to keep their bets, odds, winnings, and tip sheets out of the United States mails.

We ask that the United States Government shall enact such legislation against promoted gambling as it long ago enacted against one species of gambling, the lottery, that it shall cease offering the mail-service for uses of fraud and vice and end the conflict which now exists between State laws and Federal laws.

Senator STERLING. Mr. Pringle, this bill amends sections 213 and 215 of the Criminal Code. Can you say in what respects it changes sections 213 and 215?

Mr. PRINGLE. They close the mails to devices of fraud and gambling, and to letters, catalogues, and circulars about the same. At present no gambling is excluded from the mails, except lotteries, which have been set up for the sale of tickets. Mr. William H. Lamar, former solicitor of the Post Office Department, told me that over 4,000 protests are received annually from people who request action against such dealers, on the assumption that the legislation proposed by this act already has been enacted.

I have a list of 102 companies or firms or individuals, with all the way from 800 employees down to a single worker, whose exclusive business is the manufacture of gambling devices, and 46 of these establishments are in the single city of Chicago. All these factories now send their catalogues, lists, and circulars in the mails.

Senator STERLING. Partially. I have asked the stenographer to insert in the record sections 213 and 215 of the Criminal Code and sections 3929 and 4041 of the Revised Statutes as they stand to-day. We can then readily compare the present statute with the provisions of this bill and see what changes are made.

(The sections of the laws referred to will be found on pages 5 and 6 of this day's hearing.)

#### STATEMENT OF MR. WILBUR F. CRAFTS.

Mr. CRAFTS. Mr. Chairman.

Senator STERLING. Dr. Crafts.

Mr. CRAFTS. I was detained at another meeting, and asked Mr. Pringle to open this hearing and continue until I could get here. To expedite the speaking, as we must get back to another meeting at 12.30, I will introduce speakers for the act and assign allotted time to each one.

The only part of this bill on which there seems to be any controversy is section 5. The other sections we favor, and if they are opposed we shall be glad to discuss them, but those here to-day on both sides are interested chiefly in section 5.

This section is in substance this: That no newspaper or other printed sheet containing tips on the races—information by which gambling may be promoted and facilitated—shall be allowed the privileges of the United States mails. In other words, that the United States Government will not facilitate the promotion of gambling.

This will shut out of the mails all newspapers that print the tips on the races, and all of these special "tip sheets," as they are called, which are sold at a large price in many instances, and have become the incitement of great evil in this country. This section

would make into law a good deal of what we ask for in the Sterling-Sandlin bill, which was favorably reported three times in the House, and was approved also by a subcommittee of the Senate, and has been asked for by strong delegations not only from the other States, but from Maryland and Kentucky, two of the three States—Nevada being the other—in which gambling is legalized, and from which the other 45 States are invaded. Cuba, Kentucky, Canada, Maryland, Mexico, and Nevada are the centers of the enemy, from which they go out to get the money of the other States and demoralize them in the interests of their race gambling affairs. We shall not have achieved all that we want if we get everything in this bill; but we shall get, perhaps, as much as we ought to expect in one law. I have found that we have to take moral legislation by installments. I have been here, promoting legislation, for 26 years, and I very soon learned that we get reforms on the installment plan, one step at a time. This will be a good long step. We are not disposed to add the amendments which have been somewhat talked of in the papers of the country, forbidding interstate race gambling by telephone and telegraph. That would be legitimate, but that amendment or any other would throw the act into conference and perhaps cause a long delay.

So we ask the Senate to pass this bill as it stands, without any amendment.

It is one good, big installment of what we need in this country to suppress the gambling which has become a tidal wave since the World War. Everyone who looks out on life thoughtfully will see that we have more gambling than even during the days of the Louisiana lottery, because of the war. It is becoming a menace to business and to morals, inclining men to idleness. In every way it is a public curse. Boys are getting into it. Betting by boys in colleges and schools is becoming a serious matter. Mr. Walsh gave the reason for introducing section 5 as an amendment to this antilobby bill. He was led to put that in by seeing a great number of young men in the National Capital idling about the gambling centers, where tips are sold and results published. Some people have supposed that the International Reform Bureau stirred him up to it. I am glad to give Congressman Walsh full credit. The newspapers have been cursing me, and I should be glad of the curses if I were entitled to them; but this is one of the cases where Mr. Walsh, without any suggestion from the outside, with no suggestion or request from the churches or elsewhere, so far as I know, offered this bill on his own initiative, because of what he saw in Washington, in order to check the great, crying evil of gambling.

Opponents of this bill will charge we are violating the freedom of the press, but there is no provision in this bill to cut out any news that will not promote gambling. There are certain horses that are nothing but gambling machines. They are not of use for anything else. In the World War it was not the horses raised in Kentucky that stood the rough service. It was the horses, as we were told by a Government officer in a House hearing, that had "roughed it" on the plains. The horses that stood the test in the Army long-distance tests, recently, were not horses that were bred to qualify through race gambling. They were horses of another, rougher type. When it comes to a half-mile run, these gambling machines on hoofs make great speed. They are of very little, if any, real use. But the horses that can stand the long run and the long march and do the real service in war are horses that have had no part or lot in this gambling game.

I will now introduce the research secretary of the Methodist Board of Public Morals, Mr. Deets Pickett, who has been giving a great deal of time and study to this matter. He was formerly from Kentucky, and therefore a master of this subject.

Senator STANLEY. Before Mr. Pickett proceeds, I want to say that I overlooked one thing at the conclusion of Mr. Pringle's statement, and that is, to ask as to whether anyone wanted to ask any questions. Senator Stanley, do you care to ask any questions of Mr. Pringle?

Senator STANLEY. No; I am here merely as a spectator. I do not care to say anything.

Senator STERLING. I will say that Dr. Crafts, or any authorized attorney here representing any interest, is privileged to ask questions. If there are no questions to be asked, we will proceed with Mr. Pickett.

#### STATEMENT OF MR. DEETS PICKETT.

Mr. PICKETT. Mr. Chairman, I represent the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, Washington, D. C.

Dr. Crafts has said that I was formerly from Kentucky. I am still from Kentucky, Mr. Chairman, and expect to be until I go to heaven, if I am so fortunate as to get there. I am very proud of the fact.

Mr. Chairman, this gambling evil has grown to the extent that it is a distinct menace to American life today. It is very much more of an evil than it was five years ago. It is becoming such a menace that if it is allowed to continue, our business men, who are already opposed to it, will be obliged to take organized action against it themselves.

If you go down to Pennsylvania Avenue some afternoon you will see crowds of young men getting the racing returns in front of the Washington Post office. These young men, I will venture to say, many of them have not done a lick of work in six months, and they certainly have no intention of doing a lick of work in six months to come if they can avoid it. I believe if the chief of police were to take a panoramic view of this body of young men—healthy, strong young men—in many cases he would find that he was securing identification of future criminals.

No young man can begin to gamble without, in a short time, losing his stability of character; and to-day, through the mails and in certain newspapers, inducements to gamble are being spread broadcast under the authority and protection of the United States Government.

I had a specific instance of that called to my attention not long ago. I was down a country and visited some people of whom I am very fond, and I found them in a very disturbed state of mind, especially the young man, who was a war veteran, a young man I think as bright as any other man I have ever known, a splendid character in many ways, with admirable prospects for American citizenship. I found him with a very queer expression on his face, and his mother with her eyes red. I said, "What is the matter?" She said, "Well, Robinson has been to Cincinnati and he gave a check up there to the hotel which is not good. He thought that it was good because he thought his compensation from the Government would be to his credit now in the bank here, but his compensation, as it frequently is, was late, so that he has given a check that would not be honored by the bank."

I probed into the matter and found that he had been at Latonia, betting on the races. That was the trouble. I gave him a check to cover that. But that young man, bright as he is, splendid character as he is, of fine family, yet to-day is an absolutely demoralized character, and the honest fact is that his mother can not get him to go to work. He would rather shoot craps than work. She can not get him to attend to the studies he is supposed to carry on under his compensation from the Government. That kind of deterioration of character is going on all over this country to-day, and the Government ought to do something to check it, if it is within the power of the United States, because the most important thing in the country, after all, is not horses but men.

I love a horse. As Whitcomb Riley says, I love him from tail to mane and back again. But the most important thing is not the horse but the man. As a Kentuckian, as a man who has seen a great many horse races—I was born near Lexington—I say that I do not believe gambling is in any sense essential to the production of the road horse; I do not believe that it is in any sense essential to the production of the horse that is peculiar to Kentucky. I believe the horse show, I believe the county fair, is essential to it, but I do not believe that gambling is in any sense essential. On the contrary, I believe that gambling has been an Old Man of the Sea on the back of the Kentucky horse, preventing its proper development and sale over the country and the world.

We have heard from time immemorial that sport is essential. I believe in it, an I believe in more of it, and better sport; but I do not believe that it is essential to gamble.

Take the matter of football. Professional football is springing up now. I am told that it depends very largely for its interest on gambling. We have crowds of 5,000, for instance, in New York, attending these professional football games. But go up to Harvard, to the stadium, and see the games there, and those men will tell you that if they had the room they could sell 250,000 tickets to those games; yet they do everything they can to discourage gambling, because they believe that eventually the gambling would kill that sport.

Mr. Chairman, I am going to cut my remarks short. We have, as Dr. Crafts said, made extensive investigations in this connection. We have compiled headlines showing crimes due to gambling, scores of them. We have traced down the reports of embezzlements and broken homes and murders and breakdowns of character of all kinds because of gambling. More than that, we have sent questionnaires to the officers of practically every city in the United States of any size that deal with criminals and have found them almost unanimously. I think quite unanimously, in favor of this kind of legislation as absolutely necessary to prevent the development of a great, monstrous gambling business in this country.

For instance, here I have a letter from the chief of police of the city of Los Angeles, Calif. He is favoring this kind of legislation, and he expresses himself emphatically. Senator STERLING. What is the date of that letter?  
Mr. PICKETT. It is dated January 5, 1920. These were compiled some time back. Senator STERLING. Do you want to offer the whole of that letter for the record?  
Mr. PICKETT. Yes. [Reading:]

POLICE DEPARTMENT,  
Los Angeles, Calif., January 5, 1920.

DEETS PICKETT,  
Research Secretary Board of Temperance, Prohibition, and Public Morals  
of the Methodist Episcopal Church, Washington, D. C.

DEAR SIR: Replying to your favor of December 12, I beg to advise you that it gives me great pleasure to express my approval of the bill prohibiting the transmission of race-track information.

There is probably no other vice that leaves its path strewn with destruction and sorrow as does race-track gambling. Men in trusted position again and again steal from their employers and break their trust and commit numerous other crimes to obtain funds, destroy and desert their wives and children and parents and frequently rob them of their life savings.

My experience of 18 years in the Los Angeles police department—most of the time at the head of the detective bureau—proved to me conclusively that criminals of all classes flock to and prosper about the zone protected by the race-track gambler, and of all men, the burglar, the thief, the confidence man, the macaqueaux, the pick-pocket, the narcotic peddler, and in fact all of this kin, flourish in the unhealthy atmosphere of the race track.

And so it is obvious that no single legislation would be of greater benefit than such one as you say is under consideration, in my estimation.

Very truly, yours,

GEO. K. HORNE, Chief of Police.

I have a great number of these letters here, with which the chairman is familiar. I want to call your attention, Mr. Chairman, to the fact that much of this matter has been furnished and printed in former hearings; therefore, we do not want to offer any mass of it at the present time. But it all brings us to the conclusion, on these facts, that the people who are responsible for the suppression of crime, the people who are responsible for the conduct of legitimate business, men and women who are responsible for the rearing of the young men of this country, are for this kind of legislation as a necessary thing.

Senator STERLING. Are there any questions to be asked Mr. Pickett? If not, who is your next speaker, Mr. Crafts?

Mr. CRAFTS. I will now call upon the Rev. J. T. Kelly, who represents, with two other gentlemen, the Synod of Baltimore, which includes the Presbyterian churches of the District of Columbia, Maryland, and Delaware.

#### STATEMENT OF REV. JOSEPH THOMAS KELLY, PASTOR FOURTH PRESBYTERIAN CHURCH, WASHINGTON, D. C.

Mr. KELLY. Mr. Chairman and gentlemen, I have no speech to make or any remarks of importance. I would not question either the intelligence or the moral character of the committee by doing so at the present time, after the statements that have been made.

Dr. Barrows, pastor of the Eastern Presbyterian Church, of Baltimore, and one of our elders, and myself, were appointed a committee to present to your committee our attitude in regard to this bill. At the meeting of the synod this bill was indorsed by unanimous vote, and we were requested to present to this committee the sentiment of the synod.

As Dr. Crafts has said, the synod includes all the Presbyterian churches in Maryland and in Delaware and in the District of Columbia, and in a part of Virginia, 160 churches, with a membership of 40,000, and adherents numbering over 100,000 altogether.

As you know, one at least of the prominent race tracks of the country lies right in the center of our district, appealing to people north of Havre de Grace and south of Havre de Grace, and it is in regard to this fifth section that we are particularly interested. The matter is one that touches two points; the matter of policy and the morals of the country.

As Mr. Pickett has said, we are interested in the manufacture of men, and anything that deteriorates the manhood of the country, that breaks up individual life and homes, is contrary to public policy, and we are very anxious that the rule that nothing that will impinge upon these shall be allowed by our Government, and therefore we urge upon the committee that they urge upon the Senate the passage of this bill, which would prevent the giving of tips and betting upon the races.

Mr. CRAFTS. Mr. Chairman, we will now hear a word from a Methodist of Baltimore, Rev. Hugh Johnston, associate pastor of the First Methodist Episcopal Church.

#### STATEMENT OF REV. HUGH JOHNSTON.

Mr. JOHNSTON. Mr. Chairman and gentlemen of the committee, I am from Baltimore; but I am like the colored soldier who was, as I am, away from home. He was asked, "Ain't you from Louisiana?" He said, "Yes, sir; but when I get home again, I will never be again 'from Louisiana.'"

I have no argument to make. I simply feel like other members of this delegation that has come here to support this legislation. Thank God for the good men, and true who stand as a bulwark against the organized iniquities of the day, and who are ready to help to promote all good legislation.

We in Maryland are afflicted with the evils of race-track gambling. I had known for many years, until his death, Mr. John T. Stone, one of the great captains of industry, of the Mutual & Casualty Co., employing thousands upon thousands throughout the country, and he has stated over and over again that there was no evil destroying the character of the young men of the nation like gambling. Allow me to add a word from Mr. Charles J. Bonaparte, formerly Attorney General of the United States, who is now dead, who, among other things, in a letter addressed to the president of the Maryland Society for the Prevention of Vice, Mr. Eugene Levering, wrote as follows:

"According to my observation, the gambling in connection with horse racing is not only a source of great demoralization and consequent unhappiness, crime, and misery throughout the country, but has virtually destroyed the value and utility of racing whether as a legitimate form of sport or as a means of improving the breed of horses. Formerly horse racing, like baseball or football or boat racing, was a form of amusement salutary and commendable in itself, although, like the amusements just mentioned and many others, liable to abuse and attended by some unfortunate accidents, of which the most serious was its tendency to promote gambling."

"Nowadays, however, the gambling is practically its only attraction, and as a consequence it has very largely fallen into the hands of disreputable and immoral people who have no real interest in horses and whose sole purpose in promoting it is to levy a tribute on the thoughtless and unwary, even usually through forms of fraud, which are at once very offensive and very injurious."

I do not need to add any words of mine to such words as these from Mr. Bonaparte, Senator STERLING. Do you recall the occasion of Mr. Bonaparte's using those words?

Mr. JOHNSTON. Yes; we have a society for the prevention of vice, headed by Mr. Eugene Levering, as president, and this was written in August, 1907, when he regretted his inability to be present at a Senate hearing on the Sterling anti-gambling bill.

Mr. CRAFTS. There is a strong organization headed by Mr. Henry T. Baker, of Baltimore, called "The Maryland Antirace-track Gambling Association." There is a similar organization of Kentucky that has also asked for this Federal legislation.

Mr. CRAFTS. Mr. O. R. Miller, who is a director of the International Reform Bureau, which requested this hearing, and who is also State superintendent of the New York Civic League, will now speak.

#### STATEMENT OF REV. O. R. MILLER.

Mr. MILLER. You have all heard of our long fight against the race-track gamblers of New York State, and you have all heard of the stand that Gov. Hughes took in New York State on that question. That fight more than anything else made the fortune and the fame of Charles Evans Hughes, and we want to remind you that notwithstanding the race-track gamblers had millions for defense, and as investigation afterwards proved, used it generally, Gov. Hughes was reelected after his tremendous fight, going up and down that State and making great speeches against this evil.

Our State constitution prohibits all gambling. The constitution does not prohibit murder, stealing, or prostitution, but it does prohibit gambling and bookmaking and lotteries of any and every kind. When the constitutional convention which adopted the present constitution was held, this evil was considered so great, so serious, that

they were determined that no single legislature should have the power to repeal the penal laws which prohibit betting and gambling and bookmaking of every sort. They decided to put it into the constitution of the State, so that it would take two successive legislatures and a vote of a majority of all the people of the State to change these anti-gambling laws.

Keeping these facts in mind, you see how the greatest State in the Union regards this evil, confirming the facts brought out by Mr. Pringle and Mr. Pickett. We feel that it is the duty of the Federal Government to help us, wherever it is necessary, in the enforcement of our State laws. Only Federal laws can stop interstate gambling by phone and telegraph, and gambling promotion by mail.

And so we ask the passage of this act. We are cursed to death, as it were, by these "tip sheets" that are flaunted in our faces, promoting nullification of our penal laws and of our Constitution.

The main plea for this Walsh amendment is that it will help us to enforce our own laws. It is the duty of the Government here at Washington not to make it harder for the States to enforce their laws, but to make it easier for every State to enforce its laws. That is what we ask.

Mr. CHAFFS. I will now call on the Scotch pastor of the Scotch Presbyterian Church of New York, Dr. Watson. He is not without expert knowledge of sport. He was champion amateur boxer for three years at the University of New Brunswick.

#### STATEMENT OF REV. ROBERT WATSON, MINISTER SECOND (SCOTCH) PRESBYTERIAN CHURCH, NEW YORK CITY.

Mr. WATSON. Mr. Chairman, everybody loves a good horse who knows anything about animals. There is no sport that is as interesting to me as horse racing; but I am thoroughly in agreement with Josh Billings, that we can never have an honest horse race until we have an honest human race.

It is not necessary that any further argument should be brought to your committee. The facts that have been presented to you in the time that I have been here make it perfectly apparent that the only way that we can aid, first toward an honest human race, and then toward an honest horse race, is to have such legislation as this act passed by our Federal Government, and I trust, sir, that your committee, when it has read the evidence, may be able to recommend unanimously this act for the benefit of all the people, including even the States that have no legislation of this character—for the benefit of all the people of America as well as for the benefit of all the horses in America.

Mr. CHAFFS. We will now hear Canon Chase, who is chairman of the International Reform Bureau's board of directors, president of the New York Civic League, vice president of the Society for the Prevention of Crime, and chairman of the social service commission of the Episcopal Diocese of Long Island. I want you to know that he has made a study of these problems.

Mr. MILLER. He is the greatest authority in New York on the gambling question.

#### STATEMENT OF REV. WILLIAM SHEAFE CHASE.

Mr. CHASE. I am rather embarrassed by these preliminary announcements. [Laughter.]

I was first interested in the subject of race-track gambling by the fact that there was during my rectorate in Brooklyn a young man who was sent to me by his family as needing rehabilitation, supposedly because he had become a drunkard. He was a graduate of Bowdoin College and of Harvard Law School.

At that time an effort was being made to abolish race-track gambling in New York State. This young man took up the paper and said to me, "If you could help in this matter you would help in one of the greatest moral questions of to-day. It is not drink that has ruined me; it is gambling. I wish you could help in this matter."

I made a trip to Albany and investigated there, and came back and went to the United States District attorney, Mr. Young, who was at one time Gov. Roosevelt's private secretary, and asked him whether it was wise for me as a clergyman to take up a fight against race-track gambling, and asked him his opinion about it. He assured me that it was his business largely to prosecute thieves and gamblers and embezzlers, and that I could quote him as saying that 50 per cent of the criminals whom he succeeded in convicting said that their downfall was due to race-track gambling. Encouraged by this, the diocese of Long Island appointed a social service committee that requested me to visit Gov. Hughes and call his attention to this evil.

Gov. Hughes, who was busy then drawing up the law which was adopted, inaugurating the public service commission, said that he would consider the matter later.

The battle raged. The victory was won dramatically by carrying Senator Foelker into the Senate, who decided by his vote what would have been a tie vote had he not come in and voted.

After the vote was cast I was out in the lobby of the State legislature, when the gambling representatives came to me and said, "You need not feel so happy about it, Canon Chase. We could have whipped you if we had wanted to." I said, "How is that?" They said, "We had the votes, only we did not care to cast them." I said, "Man alive, why did you not cast them, if you had them?" "We wanted to get rid of that Hughes," I said. "Man alive, do you not know that you have made Gov. Hughes to-day?" I contend that it was the stalwart honesty and devotion to law and the Constitution and human rights and public morality that he then showed, that has given the people of this great country their profound confidence in Gov. Hughes.

I have not had quite time to find the paragraph in the Constitution, but there is some provision there in which Congress is given the duty of maintaining and protecting a republican form of government in every State. Perhaps Senator Sterling can give it to me.

Senator STERLING. A republican form of government is guaranteed, as I remember it, by a paragraph of the Constitution, to every State.

Mr. CHASE. To every State. Perhaps that is not applicable to this case, but the principle involved is this, that there are 45 out of the 48 States that have enacted through the popular will anti-gambling laws, and these three States which have the legislation which protects and legalizes gambling are violating the laws of those States through an organized gambling business, which is using the United States mails and the newspapers as helpers in their illegal business.

In fairness to the other States, not only that the will of the whole people of the United States should be carried out, but in fairness to the State legislation of these 45 States, it seems to me clearly the duty of Congress to enact such legislation as this; and I, in speaking, desire to speak in behalf of the Protestant Episcopal Church of the Diocese of Long Island, that has all along through this fight been interested in it; and I speak as the chairman of the social service committee of the Episcopal Diocese of Long Island as well as in connection with these three other organizations, all of whom are opposed to the gambling business.

The question has been raised as to our legislation in New York, and its exact legal bearing. We have never endeavored to punish private betting. Of course we do not approve of private bets, but we have entirely left that question out of the legislation which we have enacted. Our opposition has been to the business of soliciting and encouraging gambling. We may have our opinion as to the possibility of eliminating private bets, but it seems to me that every sane, fair, honest man must be opposed to the business of soliciting and promoting gambling, and it is in that interest that I urge your committee, in whom we have every confidence, to report this bill favorably and urge a speedy action of the Senate, in order that one of the greatest threats to business, as well as to human honesty, may be eliminated as speedily as possible.

Senator STERLING. Doctor, your State legislation, then, does not in terms prohibit private betting?

Mr. CHASE. No, sir.

Senator STERLING. To what extent is your law, as it is enacted, enforced in the State of New York? It does prohibit soliciting and bookmaking, etc.?

Mr. CHASE. Yes; the law is very clear, and the court decisions have been established so that the law clearly and definitely forbids bookmaking, whether it is written or oral.

The first law that was enacted forbade bookmaking; and then through some court decisions it was declared legal to have bookmaking provided it was oral. When you made a book it was held you had to write something. The bookmaker then must be somebody who had written down a book of those bets.

The first law was in 1908. The second was in 1910. The law of 1910 forbade bookmaking with or without writing.

Then there came later a decision—Judge Scudder gave it—in which he contended that certain things must be proved in order to convict a man of bookmaking. He said that it must be shown that a man was a professional bookmaker; that making a book once did not make him a bookmaker; and the word "engaged" he held meant more than one operation; as if you would say that a man engaged in thieving—if you caught him once, he was not a thief; you had to wait until he had stolen a number of times



before you could convict him. Our court held that a man must have been engaged in bookmaking for some time, and that was one of the things that must be proved.

Senator STERLING. Was that a decision of the court of appeals, or of a local court?

Mr. CHASE. No, sir; that was a decision of Judge Scudder in the lower court. Later, in another case, Judge Scudder's findings were carried up and have now been reversed by the upper court. I was just showing you the method by which this gambling interest influenced the courts, or at least fooled the courts. I do not know how it was done, but they were most ridiculous decisions.

Another thing was that so long as you could not prove that any money passed, if it was done on credit, it was held that it was not bookmaking; that you had to prove that there was an actual passage of money. Consequently, as it goes on to-day very largely it is done by a credit system. A man gets credit somewhere outside, and then it is passed along, and it is done that way. I would say that there was a very much larger amount of race-track gambling the last two years, than perhaps ever before. But within the last three months the matter has been taken up in New York, and the police officials there have brought some cases that have been held by the lower magistrates, and one of which is now before the general sessions; and the last thing was that gambling was very much reduced in New York City and thereabouts, and gamblers are very much discouraged now at the local situation there. But just before that, gambling had assumed very large proportions.

Senator STERLING. To what do you attribute that increase of gambling in that time?

Mr. CHASE. The more effective organization of the commercial interests promoting gambling, taking advantage of a lower moral standard which is a natural result of the war. The gambling business has increased somewhat because of the success of prohibition of the liquor traffic. Men who had no conscience about the liquor traffic, but have now been compelled to take their money out of it, seeking easy money, are turning to gambling. And the same influences which have destroyed the organized liquor traffic, so far as it has been destroyed, are the influences that are opposing this same kind of commercialization of the weaknesses of human nature.

Senator STERLING. You think there is a sort of a feeling of recklessness and of want of responsibility as an aftermath of the war?

Mr. CHASE. That is what I mean, yes; I mean this lowering of moral standards. You can not have—how many men were in the war?

Mr. CRAFTS. Over 4,000,000.

Mr. CHASE. You can not have 4,000,000 men cutting their brothers' throats, stabbing their brothers to death with bayonets or shooting them, no matter how righteous their cause is, without lowering moral standards; and undoubtedly there was a great deal of gambling in the Army, to occupy their idle time—a great deal of it. And there is a great deal of gambling to-day, unquestionably. A certain amount of crime and vice will always be with us; but the men who are responsible for it are those who have organized it and promoted the business of stimulating for gambling. That is the enemy of the human kind.

Senator STERLING. Are there any questions to be asked Canon Chase?

Mr. CRAFTS. Does anyone wish to ask Canon Chase any further questions?

Mr. Chairman, is there to be any further hearings?

Senator STERLING. Yes; I understand there are some witnesses in behalf of the bill, who can not be here at this time, but who can be here this afternoon or to-morrow, and they have asked that the hearings be continued until this afternoon or to-morrow, and possibly over until Monday.

Mr. CRAFTS. Who else are to be heard?

Senator STERLING. Are there any present who desire to be heard at any time in opposition to the bill?

#### STATEMENT OF MR. JOHN I. DAY, REPRESENTING THE NEW YORK TELEGRAPH.

Mr. DAY. Mr. Chairman, I will say that I represent the publishers of newspapers. They have had no sufficient notice of this hearing.

You say this hearing was requested by Dr. Crafts, and the notice was received only two days ago, I think. You sent out notices that a hearing would be held to-day at 10.30 a. m. One notice was sent to the publisher of the paper I represent, the Morning Telegraph. The other notice was sent to former Senator Camden of Kentucky, and another to Mr. Dismore in Chicago. Those are the only men interested in the bill who were notified at all.

On behalf of the newspapers I can assure you—I speak authoritatively—that they would oppose section 5 of this bill.

I may also call attention to the Congressional Record, showing that when this bill was brought up by Mr. Ramseyer, when Mr. Walsh offered section 5, previous to that he had asked Mr. Ramseyer if the Post Office or the Postmaster General wanted the antilobby bill, and was assured that they did, after which he added section 5, which had never been submitted to the Postmaster General or to the Solicitor General for the Post Office Department. Whenever that section had been referred to officials of the Post Office Department, they had reported unfavorably, that they did not want it; that they did not see why it was right to prohibit the publishing of information in the newspapers if the readers want it.

In that bill you ask us to cut out all reference to horse racing and races run at any time anywhere, or to be run. Do you know, sir, if that bill passed that we could not bring into this country a copy of the London Times or of the London Telegraph, or any of those big papers from the capitals of Europe? They all print racing news and give the odds, and give predictions as to the results of races. We could not bring one of those into this country. But, on the other hand, there is not a paper you know that would attempt to disobey the law—I mean a first-class paper—because they would not want to lose their mail circulation; but in each city there would spring up a small paper that would print racing news, and the probable outcome of races, and it would be sold on the streets. This would not stop any race-track betting whatever. It would not stop it in the States that have laws for racing commissions of the State.

Senator STERLING. But it would prevent sending those small papers that are and would be giving this news through the mails.

Mr. DAY. Using the mails to defraud in any way covers that, of course—sending tips, or—

Senator STERLING. Would you think that a statute preventing the use of the mails to defraud would cover a question of that kind? There would be a question about it, I think.

Mr. DAY. It would cover those tipsters that offer information. The Post Office Department stops many of those from using the mails.

You will notice they are not allowed to receive any mail, but you have to do business with them by telegraph, except a very few small ones that have not even been noticed.

I was going to tell you about the small papers. There would be one here in Washington, because you could not keep them from getting news of the results. You would have one in Baltimore and one in Philadelphia, and half a dozen in New York, probably. It would not stop what these gentlemen are fighting against—the gambling evil, as they call it—at all. I do not call it gambling. I think there is a very small percentage of the men who go to the race tracks who bet on the races; or, I will not say a small per cent, but it is not a majority, by any means. They go there to see the races. There is why the publishers would want to be heard—all the papers of the country, the New York Times, the New York World, the Herald, and others. When this measure was passed by the House, some papers commented on it editorially as a poor bill, and it was evident they had not even considered it seriously. There is a consensus of opinion among them that it was not even necessary to ask the Senate to consider it more seriously. They thought they would know that the people wanted that news.

Senator STERLING. I do not recall that there was any request on the part of the publishers of newspapers to be heard when the original bill, which I think is a Senate bill and is largely embodied in section 5 of this bill, was before the committee for hearing.

Mr. DAY. There was a request of some of them; but there was a hearing on the Sims bill, was there not?

Senator STERLING. Yes.

Mr. DAY. The horsemen mostly attended that. It is not now a question of racing, or anything else. We could not print the news from the Army and Navy football game. There was not a paper that came out with the advance notices of that that did not mention the prevailing odds. There are Army men and Navy men all over the country, and they like to know which team is favored, and little bets are made. You could not print that matter, under this section. There is no big athletic contest or anything of the kind, any contest, north or south or west from New York, that there is not a great demand for news concerning it, just as there is demand for news of elections; and they will say, "What are the odds and what are the chances for one side or the other."

Mr. CRAFTS. We have to leave in a moment. Do any of you wish a hearing to-day?

Mr. DAY. The members of this subcommittee are busy now; you see the other two members of the subcommittee could not be here to-day, and we would have to consult their convenience as to coming here; and we would want a little bit more for further preparation. I would suggest that we have here representatives from the Washington

Post, the New York Times, the New York Herald, and those papers, that do not want to see section 5 passed, I can assure you.

Senator STERLING. I think the chairman can fix a day which will give an opportunity for the publishers to be heard, far enough in advance of the present time.

Next Monday is the regular meeting day of the full committee. It is our regular Judiciary Committee meeting day. My thought was that I would continue this hearing until next Tuesday.

Mr. JOSEPH E. BAILEY. Mr. Chairman, I do not represent any man or any organization. I heard this hearing was to be had, and I thought I would like to hear the trend of the arguments; and, having heard it, I believe that I would like to submit some observations upon the power and right of the Federal Government to undertake the control of these matters. I understand that the purpose of this is to close up the race tracks. It is stated here that for the purpose of suppressing betting, you will close them up. I am not sure as to whether that is true, and I am indifferent as to whether it is true or not; but if that is the purpose, I think that belongs to the States.

Senator STERLING. Excuse me, Senator Bailey, have you read section 5? The other sections are all amendatory of present law.

Mr. BAILEY. I know. I know this committee started on this legislation with the lottery bill. That bill was sustained by a bare majority of one in the Supreme Court, the other members insisting that it was not commerce, and that it was an invasion of the rights of the States. They finally got a majority in the court by inserting in that opinion that it was not intended to hold any further than that a lottery ticket was a subject of interstate commerce, and that was prohibited.

Now, if the Federal Government does undertake to suppress gambling, of course I think it ought to go the whole distance; I think it ought to prohibit these ladies playing bridge, and it ought to close every stock exchange in this country. They bet millions every day on the stock exchange where they bet thousands on race courses.

But I do not think it is any part of the business of the Federal Government; and if it is entirely agreeable to the committee, whenever it resumes its sessions I think I would like to have a word to say about that. I do not suppose there is any use in contending for the rights of States now, but I am still contending for them.

Senator STERLING. I do not think there will be any objection to hearing you, Senator Bailey, when we resume the sessions. Now I would like to ask Dr. Crafts—

Mr. CHASE. Dr. Crafts has just left.

Senator STERLING. Well, does anyone present understand that there are some that can be here to-morrow? Mr. Pringle, can any that you know of be here to-morrow; are there any to be heard for the bill?

Mr. PRINGLE. So far as our side is concerned, we can be here. But are there any more to be heard?

Senator STERLING. I understand there are several who wish to be heard. I think there are two or three.

Mr. PRINGLE. I did not understand that there were any others.

Senator STERLING. But I am not sure who they are. However, it will be understood that the subcommittee will meet again to-morrow at 10.30 o'clock, with the further understanding that others can have a chance to be heard on next Tuesday at 10.30 o'clock.

Mr. BAILEY. I want it thoroughly understood, Mr. Chairman, that I am not asking for a hearing on either side, as far as that question is concerned. I am interested entirely in another.

(The following letters from the heads of police departments in different parts of the United States in favor of the Sims bill, a similar bill in the Sixty-sixth Congress, were offered for the record by Mr. Deets Picket, and are here printed:)

#### NEW YORK CITY.

Such a bill would be of assistance in the prevention of fraud and crime due to betting on races, and would be of considerable assistance to the police department of this city in suppressing gambling, particularly gambling on horse races.

During the past year nine elaborate telephone centrals organized for the purpose of distributing racing information to gamblers have been driven out of this city, but they are still a source of annoyance, inasmuch as they have reestablished themselves in an adjoining State, and in cities located just outside the New York City jurisdiction, and although they are considerably handicapped in their operations, they are still able to furnish information to some of their former clients.

R. E. ENRIGHT, Police Commissioner.

#### CHICAGO.

I believe this bill would be of considerable value in suppressing gambling on race horses, especially in this city, inasmuch as there are no tracks in the State of Illinois, and the information concerning winners, odds, jockeys, etc., is transmitted by means of telephone and telegraph. Bookmaking could not exist without this information, and if it was made a crime to transmit the same in interstate commerce I believe the books would go out of existence.

JOHN J. GARRITY, General Superintendent.

#### CLEVELAND.

Special details have been made from time to time at various poolrooms, cigar stores, etc., with a view of eliminating this form of gambling and many arrests made. A number of our citizens, as well as persons lured here from out of town, have been fleeced out of large amounts of money by the wire-tapping scheme.

In my judgment, should such a bill become a law, it would be of valuable assistance all police departments in preventing fraud and crime of this character.

FRANK SMITH, Chief of Police.

#### CINCINNATI.

In reply, beg to state that I think this bill if passed would be of the greatest benefit and help to the police in preventing gambling, especially handbooking. Would therefore welcome its passage.

WILLIAM COPELAND, Chief of Police.

#### ATLANTA.

I think that such legislation would be of great help and that it would go a long way towards preventing crime due to absentee betting on races. I sincerely hope that the bill now pending will become a law.

JAMES L. BEAVERS, Chief of Police.

#### ROCHESTER.

In reply, beg to state that I believe that the enactment of such a law would be beneficial and would undoubtedly be of great assistance in preventing crime due to absentee betting and all other crimes for which gambling is primarily responsible. I hope that such a bill may become a law.

JOSEPH M. QUIGLEY, Chief of Police.

#### COLORADO SPRINGS.

I am firmly of the opinion that it is necessary to pass the proposed law for the suppression of gambling information from foreign countries. One of the familiar games that confidence men use is supposed race-track information from Habana, Cuba, and they usually use that manner of trimming suckers out of large sums of money on the strength of advance information on the outcome of horse races.

H. D. HARFFER, Chief of Police.

#### CHARLESTON, S. C.

I wish to state it would be a God's blessing if such a bill could be passed, because we are having trouble here with that class of thieves, and such legislation would be a blessing to every community, and you have my best wishes and my hearty indorsement for such work.

CONRAD H. A. STENDER, Chief of Police.



## BUFFALO.

This bill meets with my hearty approval, and the only suggestion that I can make is that the bill be made as strong as possible.

JAMES W. HIGGINS, *Chief of Police*.

## SAN DIEGO, CALIF.

If such a bill were passed by the Congress, it would undoubtedly be of great assistance to this department in the prevention of crime.

This city, being but 16 miles from the Mexican border and from the Mexican town of Tijuana, where a large race track will be opened sometime in January next, a great number of race-track followers will flock to this city, bringing the usual number of hangers-on and criminals of all descriptions, who will ply their trade, not only among the thousands who attend the races, but among the permanent residents of the city.

It is my unqualified opinion that all efforts should be expended to secure the passage of a bill which would eliminate the evils attendant upon race-track gambling, and you have permission to use my name, if it may be of any value, as being in favor of legislation looking to that end.

JAMES PATRICK, *Chief of Police*.

## SPOKANE.

We consider this very helpful and a legislative action which is a great help to the police departments.

W. J. WEIR, *Chief of Police*.

## DETROIT.

I wish to acknowledge receipt of your letter of December 12, and to say that any kind of legislation that would prohibit the nullification of State anti-gambling laws, reduce crime due to betting losses, and put a stop to handbook making, would be of great benefit to thousands of families in Detroit. It would assist us in preventing fraud and crimes due to absentee betting.

We are in favor of any law that would have a tendency to eliminate these parasites of society.

WILLIAM P. RUTLEDGE, *Superintendent of Police*.

## LEXINGTON.

I am a great admirer of horse racing. I am equally opposed to handbook making and am in favor of any legislation that will help to do away with this evil, if such legislation does not have a tendency to injure legitimate horse racing.

J. J. REAGAN, *Chief of Police*.

## COLUMBUS, OHIO.

If the law is properly drawn so that it is enforceable in municipalities throughout the United States, if being a Federal law, there is no question but what it would be of material assistance in preventing fraud and crime due to betting on races.

I am heartily in favor of a law of the kind mentioned in your letter, and feel that if it is properly drawn with the proper enforcement provisions carried with it, that it will be of material benefit to the country.

CHARLES E. CARTER, *Chief of Police*.

## LOS ANGELES.

I beg to advise you that it gives me great pleasure to express my approval of the bill prohibiting the transmission of race track information.

There is probably no other vice that leaves its path strewn with destruction and sorrow as does race track gambling. Men in trusted positions again and again steal

from their employers and break their trust and commit numerous other crimes to obtain funds for their mad orgies, destroy and desert their wives and children and parents and frequently rob them of their life savings.

My experience of 18 years in the Los Angeles police department—most of the time at the head of the detective bureau—proved to me conclusively that criminals of all classes flock to and prosper about the zone protected by the race track gambler, and of all men, the burglar, the thief, the confidence man, the macquereaux, the pick-pocket, the narcotic peddler, and, in fact, all of this kind, flourish in the unhealthy atmosphere of the race track.

And so it is obvious that no single legislation would be of greater benefit than such a one as you say is under consideration, in my estimation.

GEORGE K. HOME, *Chief of Police*.

## DISTRICT OF COLUMBIA.

The experience of both the police department and the Department of Justice in this city is that there will be gambling on races as long as the Government permits racing information to be transferred by telephone or telegraph. During the past five years the police department, in cooperation with the Bureau of Investigation of the Department of Justice, has succeeded in getting sufficient information on gambling in this city to bring about the arrest of considerably more than a hundred persons for gambling on the races.

The expense of these investigations to the Government has been very great, and it has been with exceeding difficulty that even a few of those arrested have been brought before the courts. None of the men arrested could have carried on their betting devices or schemes if there was a law on the statute books against the transfer of racing bets and racing information over the wires.

I think progressive police heads over the country will be glad to support the Sims bill, which will put a very effective end to bookmaking, which is the most dishonest of all forms of gambling.

RAYMOND D. PULMAN, *Major and Superintendent*.

## DES MOINES.

I believe all honest police officials will gladly welcome such a law. The undersigned has had some experience and the guilty parties nearly always escape under present conditions.

A. H. DAY, *Chief of Police*.

## FLINT, MICH.

I am thoroughly in favor of any proposed law which will tend to prevent gambling of any kind.

JAMES P. COLE, *Chief of Police*.

## FRESNO, CALIF.

I heartily believe that a bill of this kind would be of assistance in preventing fraud and crime due to absentee betting on races.

FRANK TRUAX, *Chief of Police*.

## DECATUR, ILL.

We feel that it is impossible to enact laws too stringent to cope with the class of crime mentioned in your letter.

E. G. ALLEN, *Chief of Police*.

## AUSTIN, TEX.

I believe if such a law is passed by Congress that it will be of material assistance to all peace officers in preventing fraud and crime due to absentee betting on races, etc. And if the law is strictly enforced it will ultimately put a stop to this kind of gambling.

J. D. PLATT, *Chief of Police.*

## NEW BRITAIN, CONN.

I am of the opinion that a bill of that kind would be good, and would be for the good of the public in general. We can not have too many safeguards against unscrupulous persons.

WILLIAM J. RAWLINGS, *Chief of Police.*

## YOUNGSTOWN, OHIO.

This bill would be of great assistance to this department in the prevention of crime, and it is my candid opinion that it would not only assist this department but every police department in the country.

JAMES WATKINS, *Chief of Police.*

## MOUNT VERNON, N. Y.

I am heartily in favor of bill under consideration before Congress to prohibit the transmission of race gambling information from foreign countries and in interstate commerce.

J. C. FOLEY, *Chief of Police.*

## WACO, TEX.

This law will be a great benefit to all concerned, as there is so much crooked work in this kind of gambling that an innocent person will fall for it, thinking that he will have a dozen chances where there is absolutely no chance whatever for him to win, and I am strictly against any and all such gambling; if they could have old-time horse racing in this country like they used to have I would be in for it, but old times are past.

GUY McNAMARA, *Chief of Police.*

## BERKELEY, CALIF.

In many of the large cities betting on the races is a factor in crime, and responsible for the downfall of many promising young men.

It is hoped that Congress will listen to your petition to eradicate from this country the last vestige of the old race horse gambling interest.

AUGUST VOLLMER, *Chief of Police.*

## STOCKTON, CALIF.

I approve all legislation which will prohibit gambling in any form, bookmaking on horse races and all other vicious practices. It is a great advantage to have national laws to handle the whole situation and would assist local authorities in suppressing crime.

W. M. SIMPSON, *Chief of Police.*

## KALAMAZOO, MICH.

I am glad indeed to add my indorsement to any such measure, as it seems to me that it can not help but greatly lessen fraud and crime due to absentee betting on races.

BENJAMIN F. TAFFEE, *Acting Chief of Police.*

## BAY CITY, MICH.

I believe such legislation is absolutely necessary in order to prevent fraud and crime due to absentee betting. I sincerely trust that the bill will be passed.

GEORGE V. DAVIS, *Superintendent of Police.*

## JACKSONVILLE.

Any legislation that will tend to decrease gambling will lessen crime. Confidence men are nothing less than thieves, but without special legislation they would have to be tried for gambling.

FREDERICK C. ROACH, *Chief of Police.*

## DAVENPORT.

This would be a very beneficial bill. It would tend to stop race swindling in this and other communities.

P. J. PHELAN, *Chief of Police.*

## PITTSFIELD, MASS.

I assure you that a bill of this kind would be a wonderful help to every police department, especially mine, where we are so near the State line as well as to Saratoga.

JOHN L. SULLIVAN, *Chief of Police.*

## HIGHLAND PARK, MICH.

I am sure that more crime is started by being able to bet on races through handbooks than by any other one thing, and any law that will stop absentee betting on races certainly will have my support.

CHARLES W. SEYMOUR, *Chief of Police.*

## HARTFORD, CONN.

I think a law of this kind would be very good and would certainly reduce crime due to swindling, etc.

GARRETT J. FARRELL, *Chief of Police.*

## FORT WORTH, TEX.

It is my opinion that if this bill is enacted into a law such action will be beneficial and helpful to the peace officers in the enforcement of our laws. It meets with my hearty approval.

R. R. PORTER, *Chief of Police.*

## NEWPORT, R. I.

My opinion is that such a law as is proposed will help to curb the gambling evil if it does not put a stop to it entirely.

JOHN S. TOBIN, *Chief of Police.*

## SAGINAW.

I am heartily in favor of the proposition.

T. H. MCCOX, *Chief of Police.*

## PORTSMOUTH, VA.

This bill if passed will no doubt be a great help to all police departments in this country. I am very much in favor of the passage of this bill.

J. M. BROUGHTON, *Chief of Police.*

## WINSTON-SALEM.

I do not know of an act that would assist the police departments of the country in preventing these fakes and suppressing this character of crimes more than the bill which is now under consideration by Congress to prohibit this form of gambling.

J. A. THOMAS, *Chief of Police.*

## DAYTON.

I wish to state that I cordially indorse anything on this line, if it is possible to be passed, which will help the departments of police in all the States put a stop to this class of work, especially of handbooking business and race-horse forms.

You may rest assured that anything I can do in this matter to assist you I will be only too glad to do.

J. N. ALLABACK, *Chief of Police.*

## EVERETT, MASS.

It would do a great deal in stopping fake deals, etc.; might make some of these fellows who do this earn an honest living. I think you are right in advocating a bill of this nature, and it would be a good law to make.

WILLIAM E. HILL, *Chief of Police.*

## LITTLE ROCK, ARK.

I would be heartily in favor of a bill of this kind being passed in Congress.

B. C. ROTENBERRY, *Chief of Police.*

## INDIANAPOLIS.

I am of the opinion that such legislation might be of great benefit.

J. E. KINNEY, *Chief of Police.*

## HAVERHILL.

This legislation would be of assistance to every large city.

ALDEN M. WORCHESTER, *City Marshal.*

## MANCHESTER, N. H.

There is no question but what a law stopping this sort of thing would be beneficial.

M. J. HEALY, *Chief of Police.*

## EASTON, PA.

I am heartily in favor of such a bill. I think that the passage of a bill of this kind would be of great assistance to all police departments in abating the violations mentioned therein.

JACOB JACOBY, *Chief of Police.*

## BALTIMORE.

I do not feel that I can give any assurance that the successful passage of such a measure will in any wise eliminate crime, but I do feel, on the other hand, that it would no doubt in many instances eliminate fraud. During the racing season here, as you perhaps know, as is the case in many other jurisdictions, the police are the recipients of many complaints from persons who have been swindled by means of fake propositions presented to them by so-called race-horse touts, and these complaints alone give the police much concern.

ROBERT D. CARTER, *Marshal.*

## PROVIDENCE, R. I.

My opinion is that if it were possible to entirely eliminate the transmission of the results over the wire, horse pool gambling would be reduced to a minimum, as it is a well-known fact that the more difficult it is to get information on the results of the races, less number of persons are interested in playing. A United States law such as described would certainly be of assistance in preventing fraud and crime due to betting on races taking place at a distance.

PETER F. GILMARTIN, *Superintendent of Police.*

## HUNTINGTON.

As chief of police of the city of Huntington and in behalf of Mayor C. W. Campbell, I heartily indorse such a bill, and trust that Congress can pass this bill. Gambling and social evil is the worst thing the city has to contend with now, and if Congress can pass this bill it will help suppress such evils, and would be of great help. And I heartily indorse such a bill and hope that it may be passed.

JOHN W. COON, *Chief of Police.*

## CAMBRIDGE.

I beg to go on record as being in favor of any bill that will help prevent gambling in any form, as I consider gambling is one of the causes of crime and vice.

JOHN J. MCBRIDE, *Chief of Police.*

## READING, PA.

I heartily approve of legislation prohibiting gambling of any kind.

CHARLES E. MILLER, *Chief of Police.*

## PATERSON, N. J.

If passed, will be a great aid to this department, and to the police departments everywhere, and should be indorsed by all those opposed to this vice.

JOHN M. TRACEY, *Chief of Police.*

## ELIZABETH, N. J.

I heartily approve of any measure that will stop the evil and also all sorts of petty gambling.

M. J. MULCAHY, *Chief of Police.*

## SPRINGFIELD, MASS.

I assure you that in my estimation this would be a wonderful help in suppressing betting and gambling on horse racing in this country particularly, and I believe in every city infested with this form of gambling.

WM. J. QUILTY, *Chief of Police.*

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NEWARK, N. J.

I consider that this bill would not only be a good one generally, but would also be of great benefit to the police organizations throughout the United States in assisting them to prevent gambling.

MICHAEL T. LONG, *Chief of Police.*

LOWELL, MASS.

To my mind this bill if enacted would be of assistance to us in preventing fraud and crime due to absentee betting on races; push this along, as it is the right thing to do; let us see who will oppose it.

REDMOND WELCH, *Superintendent of Police.*

LINCOLN, NEBR.

I am in favor of such a bill.

PETER JOHNSTONE, *Chief of Police.*

FITCHBURG, MASS.

I am heartily in favor of any law which will be enforced to curtail these matters to the smallest limit.

DAVID M. TINSLEY, *Chief of Police.*

(Thereupon, at 12.10 o'clock p. m., the subcommittee adjourned until to-morrow, Saturday, December 10, 1921, at 10.30 o'clock a. m.)

EXCLUDING GAMBLING INFORMATION FROM THE MAILS.

TUESDAY, DECEMBER 13, 1921.

UNITED STATES SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,  
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 10.30 o'clock a. m., Senator Thomas Sterling presiding.

Present: Senators Sterling (chairman) and Overman.

Senator STERLING. The committee will be in order. Dr. Crafts, have you some one now that you would like to have heard as a witness?

STATEMENT OF MR. WILBUR F. CRAFTS—Resumed.

Mr. CRAFTS. Mr. Chairman and members of the committee, by way of summing up, for the benefit of those who were not here the other day, what the proponents of this bill propose, I would just say a few words before introducing a new witness in favor of the act under consideration.

This hearing is on H. R. 6508, which, except the last section, was urged upon Congress by the Post Office Department, as is well understood by the whole public, and simply amounts to a sewing up of loopholes in the provisions of the antilottery law, through which that law has been evaded. The first four sections have no other purpose than to validate the purpose of Congress in the law which excluded lotteries from the United States mails.

Senator OVERMAN. Is there any lottery going on in this country anywhere now?

Mr. CRAFTS. There are a good many things that come under the general definition of a lottery which are being carried on now.

Senator OVERMAN. I was wondering about a lottery of any kind, why the Postmaster General would want to do that. There must be some reason for that provision.

Mr. CRAFTS. We have a good many things in this country that come under the definition of a lottery, as defined by the Supreme Court of New York, which is that when it is determined by chance what one shall get for his money, it is a lottery. Chance may not be the only element sometimes, as in card gambling. There may be some skill shown, but if chance plays the leading part, or even a large part, in the transaction, it is a lottery.

Senator OVERMAN. I was just inquiring for my own information as to what was going on in the country.

Mr. CRAFTS. There are a good many of these lotteries. Some of them operate under the plea of charity and others go under other names—guessing contests and all such devices are used. The newspapers in New York have been giving away tickets, and the Postmaster General has stopped it as a lottery, although no money was paid for the tickets.

Senator OVERMAN. I noticed that there was a guessing contest here in Washington for the most beautiful woman in Washington. Would that be a lottery? It was stated that the woman who was voted to be the most beautiful woman would receive an automobile.

Senator STERLING. That surely was a guessing contest.

Mr. CRAFTS. I was told by Mr. Scripps, of the Scripps-McRea, that there were devices, successors of the New Orleans lottery, which were to-day making more money than the Louisiana lottery ever did; schemes such as guessing contests.

Senator OVERMAN. The newspapers have gone into it to make money.

Mr. CRAFTS. Of course; that is the main motive of gambling. People are lured into it by those whose business it is to promote gambling for the profit there is in it. The first four sections of this bill are simply legitimate corrections of former antilottery legislation, to prevent the nullification of the purpose of Congress in those anti-lottery laws. We do not propose to give any special attention to those sections unless opposition to them is expressed.

The fifth section, added by Mr. Walsh of New Bedford, is the section which is specially in our minds. Now, this section does not forbid racing. There is not a word in it that would forbid racing. Twenty out of 21 of the races in this country have no gambling ring. They are trotting and pacing races, in which men race their own horses, at county fairs and elsewhere for two or three days at a time, for the sport of it. That is what promotes horse breeding and good horses for war.

The only races interfered with even indirectly by this act are the running races that lure men from business from 30 to 100 days, the main purpose of which is gambling.

If horse racing is managed mainly for gambling and the gambling part of it is crippled, in some cases the racing may be discontinued; but there is nothing in this act which interferes with the racing. We have nothing against the trotting races at county fairs where there is no professional gambling and only a little individual betting. This is not a bill to prevent even running races. Kentucky can go on racing on her tracks, and so can Maryland, and so can Nevada. It is only the giving out of gambling information that is stopped, that which is now telegraphed and telephoned from the tracks to the newspapers, or to gambling sheets, and printed, and put in the mails. It does not even stop the use of the telephone and telegraph for gambling. That is covered in the Sterling-Sandlin bill, that we hope will be passed later.

This legislation will be a large step toward correcting the amazing amount of gambling that is going on since the war, and has now gotten to be of colossal size, one of the greatest evils in the United States. This will not interfere with telephoning or telegraphing in connection with gambling when it does not go into print. That may be dealt with later.

May I say that Mr. Sandlin, of Louisiana, introduced Mr. Sterling's bill in the House at the request of the constitutional convention of that State, because the State's rights of Louisiana, as well as those of 44 other States, were being broken down. They could not carry out the purpose of their own legislation and enforce their own laws because they were interfered with by interstate gambling through the telephone and telegraph and the mails. The whole 45 States are hindered in the enforcement of their State legislation by the interstate privileges that are allowed by Congress to continue, through failure to legislate.

This bill, the Sterling-Sandlin bill, has been reported again and again since Speaker Gillett first introduced it a quarter of a century ago.

This bill does not cut the papers off from publishing any legitimate news of racing that does not contribute to the great evil of gambling. It will allow the publication of the news of nineteen-twentieths of the races, the trotting races, and it will allow results of running races to be published, as to what horse won—all but the tips and odds and bets and winnings.

The statement was made in the other House, by a high Army officer connected with the remount service—they are not all anti-gambling, these men of the Army—to the effect that the horses used in war were not these fancy horses, these racing machines, these parlor horses, these petted horses of Maryland and Kentucky, of the Kentucky race tracks, but the horses of percheron stock from the Western plains. Percheron horses are not all draft horses.

Senator OVERMAN. I have always heard that horses derived from the Arabian stock, the Kentucky horses, would stand more than these horses from the plains. Is that so? Take the horse that Stonewall Jackson had; take the horse that Gen. Lee had for four years. Traveller. Those horses would stand anything.

Mr. CRAFTS. These horses that run on the race tracks run through mud and sleet and snow, no matter what the conditions are, because nine-tenths of the betting is off of the tracks, all over the country, and the races must be run no matter what the weather may be. It does not much matter whether they kill a dozen horses or not, or whether there are only 10 people in the stand, the races must be run.

Senator OVERMAN. This bill proposes to exclude from the mails all newspapers that publish—

Mr. CRAFTS. Tips on the races.

Senator OVERMAN. What do you mean by tips?

Mr. CRAFTS. I mean the advice, directly or indirectly, as to how people should bet. The papers consider themselves bound to have on the editorial force experts who can tell from the condition and histories of the horses which are to run in the races which are likely to win. There are many simpletons who think that it is perfectly safe to risk all the money they have on these tip sheets. Some of the newspapers publish these tips very reluctantly because they are very much opposed to gambling. For example, the New York Mail is editorially against gambling; it publishes the tips because of competition with other newspapers.

Senator OVERMAN. Who is the judge as to the law, the Postmaster General?

Mr. CRAFTS. It would become a part of the Postmaster General's duty to enforce this law.

Senator STERLING. In connection with Senator Overman's question, let me read the new section 5.

Senator OVERMAN. I wish you would, Mr. Chairman.

Senator STERLING (reading):

"Sec. 5. No newspaper, post card, letter, circular, or other written or printed matter containing information, or statements, by way of advice or suggestions, purporting to give the odds at which bets or wagers are being laid or waged, upon the outcome or result of any horse race, prize fight, or other contest of speed, strength, or skill, or setting forth the bets or wagers made, or offered to be made, or the sums of money won or lost upon the outcome or result of said contests by reason of such bets or wagers, or which sets forth suggestions as to the odds at which bets or wagers should or may be made or laid, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, and such matter is hereby declared to be nonmailable, and any person who deposits or causes to be deposited, or shall send or cause to be sent, any such thing to be conveyed or delivered by mail, shall be fined not more than \$5,000, or imprisoned not more than five years, or both such fine and imprisonment."

Senator OVERMAN. That includes horse racing and what else?

Senator STERLING. Horse racing, prize fighting, or other contest of speed, skill or strength.

Senator OVERMAN. It does not affect football or baseball?

Mr. DAY. Oh, yes; it would include football and baseball.

Mr. CRAFTS. Yes; to save those sports from being degraded by professional gambling.

The CHAIRMAN. This says "purporting to give the odds at which bets or wagers are being laid or waged, upon the outcome or result of any horse race, prize fight, or other contest of speed, strength, or skill."

Senator OVERMAN. That would include both football and baseball.

Mr. CRAFTS. I think that is the special value of it. There are certain forms of sport that are in danger of getting into the evil and demoralized condition of the race track and prize fighting. There is a strong sentiment in favor of the protection of baseball and football against gamblers. They are paying Judge Landis almost fifty thousand dollars a year to act as umpire in the sport of baseball because gambling nearly ruined the game. He is chosen to redeem it from those gambling "black socks."

Senator OVERMAN. How are you going to distinguish gentlemen's horse racing or gentlemen's football, as you call it?

Mr. CRAFTS. We are going to distinguish it by the fact that the gambling is not there. A gambling ring, we consider, takes any sport out of the ranks of a gentleman's sport, and makes it a mere commercial enterprise, a mere profiteering scheme to take advantage of the public's interest or amusement and lure them to the effort to get money without earning it. These sports that are now in danger we believe we can save. They are already beginning to gamble more than they ought to on football.

Senator OVERMAN. That is what I say, how are you going to distinguish between the two kinds of game?

Mr. CRAFTS. We are going to stop the publishing of the odds and bets. If anybody publishes in the paper advice as to which of the baseball clubs or football clubs or golf clubs people should bet on, and if there is a gambling ring organized to bet on these, we will fight that, and the best men in these amateur games will join with us. We shall have the heartiest indorsement of all except the papers with a gambling department and the horse-racing people.

Senator OVERMAN. You are after the betting rings; that is what you are after?

Mr. CRAFTS. Yes; we are after the betting rings, and after the newspaper that is an ally of the betting ring.

Many men place their money on the suggestion of the newspapers.

Senator OVERMAN. Does this bill cover that?

Mr. CRAFTS. The bill covers everything in the way of using the United States mails for promoting of gambling schemes.

The CHAIRMAN. The question is whether we could go further than that—than the use of the mails.

Mr. CRAFTS. It does not touch anything in this bill except the use of the United States mails, which belong to us all; and the majority of the people of the country do not believe in gambling, and we therefore ought not to use the mails belonging to all the people for that purpose.

Senator OVERMAN. Pardon me for interrupting you. I wanted to get at just what the bill meant.

Mr. CRAFTS. That is what we are for. We want you to ask from each speaker whatever you wish to know, so that they may bring out clearly what is meant.

The New York Times has come out this morning with some kindly advice to reformers who are opposed to this bill. The Times says this bill will not accomplish anything because it can be evaded. Want of respect for the law is the greatest crime of the age. It is worse than intemperance. It is worse than prostitution. Will respectable newspaper men attempt to evade the plain purpose of that law? They say: "We can slip our papers by express, and use automobiles and use trucks." Around New York a great deal of gambling could be done if they had two editions of the paper, one with gambling tips in it for the local circulation and one without it for the outside circulation. That would be a great deal of trouble and expense, to run two kinds of papers. We have a law in Congress prohibiting the transporting of gambling literature by express, and also of obscene matter; but if they, by the use of the telephone and the telegraph, communicating privately with pool rooms, are successful, and this evil goes on, then we are going, very shortly, to press for this Sterling-Sandlin bill.

We believe the thing to do to-day is to get this bill without any amendment. It has passed the House and it is before the Senate, and we do not believe that the Senators are going to turn down a gambling bill. If this subcommittee reports this bill to the full committee we believe that the Judiciary Committee are not going to turn down the bill that subcommittee has passed, and we do not believe that the Senate as a whole will turn down a bill concerning a matter that has so much moral worth to it.

The newspapers have put stress on the fact that there was not a very full attendance in the House when this bill was passed, and they seem to be appealing to the ignorance and the prejudices of the weak because there was not a large attendance. Now, there was as much of an attendance as there usually is, when this bill was passed in the House. The bill was before the House for several hours. There was an effort to get it up on two other sections, and there was much discussion; and any Congressman who was on his job, who was in Washington, could have been reached when this matter came up, before the final vote.

There is nothing to be said on that line. Anyone who was interested to vote, had a chance to vote, and if they were not there, they were neglecting their duty.

Furthermore, I have been in Washington for 30 years, and I have never but twice known a bill upon a moral issue such as this to fail of passage when it came to a vote; there were always enough voting for it to put it through. I have never known an instance of a failure in the Senate, and I have known of only two in the House.

Now, I must close. For the accommodation of the opponents of this bill as well as of its friends, I will submit a tabulated statement of the hearings on race gambling that have already been held and put it in this record, so that anyone can turn to the records and get those things, if they wish to go into the study of this matter in the future.

Senator STERLING. That will be permitted. I think it will be desirable that that be done. You had already made that suggestion, at the last hearing held.

Senator OVERMAN. Do you want to reprint the hearings held in the House?

Senator STERLING. No; he is speaking of the hearings here on the former bill.

#### PREVIOUS ANTI-GAMBLING HEARINGS.

Senate Committee on the District of Columbia, April 7, 1896.

Senate Judiciary Committee, January 21, 1909.

Senate Judiciary Committee, December 14, 1909.

House Committee on Interstate Commerce, February 7, 1911.

Senate Subcommittee on Interstate Commerce, April 3, 1916.

Subcommittee of the Senate Judiciary Committee, May 10, 1920.

House Committee on Interstate and Foreign Commerce, May 11 and 18, 1920.

Mr. CRAFTS. There is another thing that is very important that simply by inadvertence did not get into one of these hearings. It is the statements of a large number of chiefs of police as to the crimes of embezzlement, and other crimes, caused by gambling. That Mr. Pickett asks to be added to his statement. The Methodist board made this collection, and it will not be over 5,000 words; and with your permission we will have that put in, too.

Now, of course we reserve our anticipated opportunity to have a rejoinder, and I am asking Mr. Pringle, who is a master of these matters, to reply, at the end, to the proponents of the bill—to make any argument that may seem at the close to be required.

Our first speaker this afternoon whom I wish to introduce is a business man from Maryland. He is sent here by the president of the Maryland association, Mr. Henry

T. Baker, an eminent business leader of Baltimore and president of the Maryland Anti-Race-Track-Gambling Association. He could not come here, and he has asked the treasurer of the association to come and present their views. Maryland is one of the three States that allow licensed gambling. The three States are Maryland, Kentucky, and Nevada. Nevada is a very trifling matter, but the two States that are especially interested to be heard here are Kentucky and Maryland.

Let me say for Kentucky that I was there last summer, and in Louisville I had 1,100 people, on a warm summer evening, come out to hear a discussion of the national effort to help Kentucky, and those 1,100 unanimously, without a single dissenting vote, asked Congress to pass interstate legislation to help Kentucky. A large majority of the people are on the right side and wish to obtain redress, because they feel that the State is gambling, and when the Nation has taken the necessity for it out of the way they will prohibit this gambling, just as Louisiana immediately prohibited the lottery, although they were not bound to do it, when the opportunity to exploit the whole Nation was taken away.

In Kentucky, I may say, they have the pari-mutuel system. I believe there will be an argument made here that that machine is fair; that there is not the same objection to machinery because it is not so liable to cheat as a bookmaker; but that makes the evil greater by making it seem to be safe, and we believe that the gambling machine is more dangerous than the gambler for that reason, because it increases the amount of gambling by making it seem to be safer.

Now I will call on Mr. Davis, of Baltimore, of the firm of F. A. Davis & Sons, the treasurer of the Maryland Anti-Race-Track-Gambling Association, to address you.

#### STATEMENT OF MR. E. ASBURY DAVIS, OF BALTIMORE, MD.

Mr. DAVIS. I represent an association that was formed in Maryland about four years ago by a number of our common business men to make an attempt, through our legislature, to defeat race-track gambling, that has been permitted for years at our tracks, bringing into the State of Maryland a very undesirable element from the whole United States which crowds our hotels and the street cars, and means of communication between the city and the track.

In addition to that, it has been the cause of many defalcations, and has introduced among our young men the custom of gambling.

I was very much interested in two defalcations that occurred in our own firm, and that makes me feel the necessity of using whatever influence I may have to stop the working of that scheme in the State of Maryland under a legal status.

Senator STERLING. Were these defalcations traceable to race-track gambling?

Mr. DAVIS. Yes, sir. These men did not go to the race track at all, but they were betting in the pool rooms and in handbooks that were going about the city. At two sessions of the legislature we made a very strong fight. In both cases we had the majority of the State pledged to do away with the race-track gambling.

Now, I want to say in connection with this, emphasizing the point Dr. Crafts made, that there is no spirit in our State of doing away with the racing of horses. That is a perfectly legitimate sport and one that every man with red blood enjoys, but it is the gambling feature attached to it that is injuring the good name of our State.

We have had in both sessions of our legislature an absolutely clear majority pledged to do away with it, but unfortunately the people attending the race tracks had some means of converting some of our friends at the last moment, means that I would not care to state in public. At any rate, the measure was defeated.

At the last session of the legislature it was lost by one vote, and that was done also by a method that I would not care to describe among you gentlemen as you sit here to-day. But, to show the desperate device in which that matter was handled, I will say that the vote was taken at 4 o'clock in the afternoon, and there was one member from one of the counties who had a son ill in a hospital at Baltimore, and about 11 or 12 o'clock there was a telephone message came from Baltimore that this man's son was desperately ill, or dying. I do not know which it was, and he must come to Baltimore. When the man arrived in Baltimore he found no message had been sent and there was nothing particularly the matter with his son. They had figured that that one vote was necessary to prevent the passage. Fortunately, we were able by very swift action to get that man back to Annapolis by five minutes of 4 o'clock. Then they found that another man had been spirited away, and he was not seen for three days. I cite that to show you that in our State we have a very strong sentiment against race-track gambling, and we are very sorry to have to admit that our good State is used for the dissemination of this information that is corrupting and injuring

the moral fiber of thousands of young men all over the country, and I claim that as good citizens of this country we must do everything we can to stop our young men from gambling. There is a certain natural instinct for men to gamble, but it is certainly wrong for the State of Maryland or any other State to grant a legal status to the most unfair form of gambling that exists. We stop card playing and we stop the little boy of 10 years of age that shoots craps on the street. We arrest him, and yet we allow a man to go around to the races or pool rooms with handbooks and gamble, when the victim loses not only his own substance, but in many instances he is taking the substance and property of an employer, and it puts it on a little different stage when we see that the State has given it a legal status.

If it is not taking too much time, I would just like to state one or two cases of my own observation. We had a young man who was a very successful salesman.

Senator STERLING. What is your business?

Mr. DAVIS. Wholesale tobacco. He was a salesman for us on the streets of Baltimore. He had been successful with us for a number of years, and had a very nice family. By some means he got into this gambling at Laurel, and in the course of about year he was \$1,800 short in his accounts. We did not want to ruin his family. Usually it is the case that the people who suffer are not the fellows who take the money, but somebody else. We made every effort to try to stop that fellow and try to bring him back and break him of this habit of gambling, and make a man of him, but the fascination proved to be so strong that he could not stop, and in six or eight months he was right back, doing the same thing again. While we did not prosecute him, the result of it was the breaking up of his family, and the loss of his good name in the community, and he had to leave the community. He had no means for this going to the races had ruined the man. They had a construction of the law in the State of Maryland that said that man had a perfect right to go down there and gamble his money. The point I want to make is that the people outside of Maryland, I am sorry to say, regard this as very reprehensible upon the part of Maryland, and we, as the people of Maryland, have to sit still and bear it. These people gave to the State \$62,000 last year as a sop to the people, to allow this to proceed; but I believe there are, in fact, good men and good women in Maryland who are not going to allow money to come into the State through the continuance of a practice that is absolutely wrong, inherently and in principle. I would hate to think that the State of Maryland did not have enough good citizens to wipe this off our statutes.

Maryland, as I say, is the base from which a lot of this matter that appears in other States is disseminated. As Dr. Crafts told you, this does not stop the publication of business news items. This says only that you can not send out the advance information which is, as he says, being used from Maine to California in forming this system under which these bets are made in every little town and hamlet in America. I certainly hope you can realize the importance of this.

It may interest you to know that in the Primco meeting, which I think lasts 15 days, there was more money passed through the pari-mutuel machines than the entire capital stock of the banks of Baltimore. People who are not acquainted with it have no conception of the amount of money passing through these channels, taken from useful occupation. Men who are on these race tracks—

Senator OVERMAN. What is that machine? Will you explain that?

Mr. DAVIS. You will have to ask somebody else for that. I never saw one, and do not want to see one. But it is a fair game, if there can be such a thing. I am not familiar with the working of the machines. Dr. Crafts may be able to tell you, but I do not know. But I do know this, that there is a whole lot of money left at the race tracks for somebody else who does not do an honest day's work, and that is the thing that I think these gentlemen want to stop. We want to fix it so that whatever a man gets, he will get honestly, by the use of reasonable and proper effort, and not by gambling. I have never been able to understand how anybody can differentiate between the forms of gambling. All forms of gambling are wrong, and we ought to do everything we can to stop the dissemination of information that makes a man a gambler.

Senator STERLING. You say you are the treasurer of an association formed for the purpose of combatting this evil, as you call it?

Mr. DAVIS. Yes, sir.

Senator STERLING. How many constitute that association?

Mr. DAVIS. It is difficult for me to tell you the exact number, because I would only know by the way of contributions; and it is not necessary for a man to be a contributor in order to be a member, but taking every signer, I would say that at least 4,000 people represent our association.

Senator STERLING. In and about Baltimore?

Mr. DAVIS. In every county in the State. We have every county fairly organized.

Senator STERLING. To what extent are the business men of Baltimore represented in contributions?

Mr. DAVIS. The contributions have been made by some of our most representative men in Baltimore. The lists have never been absolutely published, but this is done by our real, representative men in Baltimore, men who are anxious to have the good name of our State saved, and to stop this betting and gambling evil.

The very fact that there are 45 States of the United States admitting that it is a wrong thing to-day means that those who combat that assumption are wrong. I can not think that 45 out of 48 States are wrong.

Senator STERLING. Are these people in your association there at Baltimore business men, merchants?

Mr. DAVIS. Yes, nearly all merchants. There are probably a very small number of professional men and the rest are merchants, representative men of Baltimore.

Senator STERLING. Are there any other questions to be asked this witness. If not, that is all.

Mr. CRAFTS. Mr. Chairman, there is a question that has been asked by Senator Overman, and I will ask Mr. Pringle to tell us just what the pari-mutuel machine is, so that it may be in the record.

Senator OVERMAN. I have never seen it. I have never heard of it before.

#### STATEMENT OF MR. H. N. PRINGLE—Resumed.

Mr. PRINGLE. Perhaps there is some other gentleman in the room who can do this better, but I will say that the pari-mutuel machine is a device like a cash register. There has to be somebody to operate it, of course. It is not automatic like a vending machine.

These machines sit in a row, perhaps 40 of them, and here are \$2 machines and here are \$5 machines and here are \$20 machines, and at some tracks they run up to \$100 and \$150; but if you want \$100 you can get five twenties. Then there are combinations of 15, etc.; and there are smaller and different denominations. It makes the process of betting perhaps five times as expeditious, or at least several times as expeditious, as ordinary bookmaking, where the book is passed back, and writing has to be done. These machines cost several hundred dollars. They are used in many places. They are used all over the world, in Australia, in the Argentine Republic, and in France, and on all the mile tracks in Maryland and Kentucky; with a combination with bookmaking at some of the tracks, perhaps, like in New York. With the pari-mutuel there are no tickets and they do not have oral betting.

Senator OVERMAN. Say races are going on in Maryland and Kentucky, do they use them in other States?

Mr. PRINGLE. I was told at the 15 days' meet at Reno, in Nevada, where the betting is legalized, that they use both the tickets and the pari-mutuel.

Senator STERLING. What Senator Overman means is, do they use these machines in one State for the betting in another State where the race track is and the races are going on.

Mr. PRINGLE. In another State?

Senator STERLING. Getting information from the papers, do they play these machines in other States?

Mr. PRINGLE. You mean at these tracks?

Senator OVERMAN. Yes.

Mr. PRINGLE. I have heard once, at Green Point in 1880, of a man who played as a gambler a mile or two away from the track. I do not believe that now exists anywhere else. I do not know of that being done anywhere except in this one instance and at Toledo prize fight in which Dempsey wrested the championship from Willard. There pari-mutuel machines were used. That is the point mentioned in the bill here. At a prize fight they were actually used.

Mr. CRAFTS. The gambling away from the tracks is done by the handbook men, who go around quietly and go into stores and meet men at their noonings and get their bets, and by pool rooms where they bet; and they have a notoriously bad name.

Senator OVERMAN. And do you mean to say that when a race is going on in Maryland a bookmaker down in North Carolina, in one of our towns, is going around taking bets?

Mr. CRAFTS. Yes; a great deal of the gambling, nine-tenths of the gambling, is off the track; so that the gambling on the tracks is the smallest part of it. That, this bill does not necessarily touch. They have racing, for instance, half a mile across the line in Mexico. The gambling of all the Mexicans there is not enough to pay for the horse feed. The gambling profit is made by this system of sending the news out



through the telephone and telegraph, and through newspapers and tip sheets. So that the gamblers in 45 States where they have no gambling get their inspiration and inducement from these publications.

Our next speaker is a man who is pastor of a church in Brooklyn, Mr. S. Edward Young.

Senator OVERMAN. Could you furnish me or the committee with any newspaper that has in it this advance information that you have been speaking of? Could you furnish me a newspaper showing it? I would like to know about it. I do not read that stuff.

Mr. CRAFTS. It is in the newspapers, but you do not turn to that column. Senator OVERMAN. I would like to have you get for us a paper with that in it.

Mr. CRAFTS. Very well. Here is a paper called "Racing Form." The New York Times would have only a column or two or perhaps three columns on racing. The New York Telegraph is mainly a gambling sheet.

Mr. PRINGLE. There is the form [indicating]. There are six or seven races on the card there, and here in this column is the opening, here is the closing, and here is the high and in this column the low, on the straight; and then here are quotations on the place and to show, over here, and the jockey's weight.

On the pari-mutuel there is the two dollar one, as you see the amounts put in there [indicating].

The same thing in a shorter form is found in the daily papers. It is given in these papers with more completeness and fullness. Probably your North Carolina papers will give it with sufficient fullness.

Mr. WHITEHEAD. May I make a statement for Senator Overman's benefit?

Senator STERLING. Yes; you may. Mr. WHITEHEAD. It has been emphasized that the bill here before the committee prevents advance information. The bill prevents subsequent information also; it prevents information at all times, either before or after. We might as well have the full facts presented to the committee.

**STATEMENT OF MR. S. EDWARD YOUNG, OF BROOKLYN, N. Y., PASTOR BEDFORD PRESBYTERIAN CHURCH, PRESIDENT OF BROOKLYN CHURCH FEDERATION, PRESIDENT OF SOCIETY FOR PREVENTION OF CRIME, OF NEW YORK CITY.**

Mr. YOUNG. Mr. Chairman and gentlemen of the committee, in addition to what Dr. Crafts has said may I say also that I represent no opposition to the racing, keeping, or enjoying of good horses. My father was a preacher, and preached on a salary of \$650 a year—a missionary out in the mountains—but he owned a \$500 horse, and I learned as a boy that a very devout man could worship in the house of God, and on the way home not be willing to take the dust of anyone else on the road.

Senator OVERMAN. When I was a boy there was a preacher who used to stop with my father, and he always had about the best horses in his part of the country. I used always to enjoy his horses.

Mr. YOUNG. I may add that there is no day in the year when my humility was put to so great a test as when I was privileged to ride with the staff of my regiment on the finest horse that they could furnish.

I called yesterday on a gentleman who has been connected with my church, who organized, among other things, all the Childs' restaurants all over the country, a very important New York business man. He said what Dr. Crafts has quoted. He has owned horses all his life, fine trotting horses, and he said that no man was so opposed to horse racing and to the betting on races stimulated thereby, as are the owners of valuable horses for trotting. He said that trotting horses are bred for sport, and that running horses are for gambling.

I used to rank among my friends a gentleman that everybody knew in the horse country, Capt. S. F. Brown, of Pittsburgh. I conducted his funeral service when he died. He always took the view that the minute gambling got into it, the best interests of horse raising were imperiled.

I think, too, that it would help to clear the atmosphere to understand that the object of this bill, the purpose of those who are supporting it, is not to finish at one fell stroke all forms of gambling in this country. We recognize that there might be some invasion of public liberty in something of that sort. The main object is to reduce the amount, or eliminate as much as possible, of the commercializing, and the promotion of gambling; promoting gambling merely to make money, by men who have no interest really in good horses.

Usually the pivotal point is the bookmaker. He is usually a criminal, usually a man who has been in prison. Many of them have been in prison many times. He

is a hardened lawbreaker. It is usually he who is the pivot of the whole thing, and what he does is made a means of intelligence throughout the country to stimulate gambling all along the line.

Senator OVERMAN. Have not most of the States prohibited bookmaking? Mr. YOUNG. Forty-five have, but under the present arrangement the news can be carried for bookmaking to all of the States.

I suppose we all know that we are in the midst of a gambling mania. There has never been anything like it—the numberless devices on every side. My taxicab driver the other night had a new device that I never saw before. He and the other fellows were gambling just in the minute or two that they were waiting.

All kinds of devices now are being used, but we find the most stimulus to that, or one of the great stimuli, is news brought from the race tracks; what is coming and what is doing. I will speak in a moment of my own visits to the race tracks, and what I witnessed of bookmaking. I suppose that the psychology of gambling, the psychology of its character disintegration, is one of the most—shall I say—fascinating of studies. It does disintegrate character—that is my testimony as a preacher—more rapidly than any other vice that I know of.

The motive for gambling is for me to get what you have without giving you any quid pro quo. It is for me, without a stroke of labor, to get what you have without giving you anything whatever in return. Of course, you may consent to it, if I am gambling. This is a theoretical statement, as we say in military matters. You may consent to it, but that does not make it right for me to do it, no more than if I consent to fight a duel with you, that makes it right to fight the duel. In one case it is that I propose to take your life if I can, if you do not get mine first; and in the other case it is that I propose to take your money if you do not get mine first.

Gambling is, in its essence, absolutely dishonest and immoral. It is not constructive. It has nothing for society, it has nothing for anybody else, it has nothing for me except to take what I do not earn in any sense whatever, if I can get it first, before you take it away from me. The history of this fascinating vice, and how a man gets started at it is almost impossible for him to stop. Recorder John W. Goff, recorder of New York City, whom you all know by name, at least, for 40 years was familiar with the criminal proceedings in New York City. For, I believe, two full terms he was Recorder of New York City. He told me a few days ago that of all the vices, gambling is the most character-disintegrating; that when a man gets into it once there is almost no rescue for him. He told me about his visit to Monte Carlo.

Mr. CRAFTS. Will you turn a little more to your right so that these newspaper reporters will get this?

Mr. YOUNG. I want them to get it.

Mr. CRAFTS. Go ahead.

Mr. YOUNG. You will find, if you go to Monte Carlo—I have not been there, but Recorder Goff has been there—that they bear this testimony to the peril of gambling. Monte Carlo is the greatest gambling place in the world, but no citizen of Monte Carlo is allowed to gamble. Every citizen of Monte Carlo is forbidden, under the heaviest penalties, to ever gamble himself; for the government of Monte Carlo, through these channels, has learned that nothing ruins the character of a citizen like gambling. That is the universal testimony.

Senator STERLING. But Monte Carlo is desirous of receiving all the funds it can from gambling, although they prohibit their own citizens from gambling?

Mr. YOUNG. It is an enormous bookmaking scheme. I do not say that I am not a gambler myself. However, it is an immense bookmaking scheme to fleece people who can be fleeced.

I went down to Jamaica on a trip this last summer and we kept in touch with the races day by day. I went to Aqueduct race track one and I observed the gambling there. For instance, I got on the train at the Pennsylvania Depot and there I saw the tipster sheets. I have counted about 20 of these tipster sheets.

Senator OVERMAN. What is this paper called "Racing Form"? I am something of a greenhorn on this and I like, with my own eyes, to make sure.

Mr. YOUNG. That is the Morning Telegraph there [indicating]. The tipster sheets, some of them, spend a great deal of their time in denouncing the rascality of the others; and, after some experience, I believe every one of them is right in denouncing the rascality of the others.

Senator STERLING. By "tipster sheets" you mean what? You use that term in a generic way, to include all papers that are publishing gambling news?

Mr. YOUNG. So far as I understand, this is a sheet that tells men how to bet on horses. It advises, here, as to race No. 1; gives the horse. It states which horses are running, describes them a little, and says, "Advise play Rainbow," or whichever one they advise. Sometimes they say in the second race there are such and



such horses, and one horse does well in muddy weather, but they say, "Advise your horse." Sometimes the sheet does not attempt to advise you to play any horse.

I went down there and examined this place, and there I saw the bookmakers openly, any quantity of them, betting and making books in my hearing.

Senator STERLING. Just describe that process of bookmaking a little.

Mr. YOUNG. I may fall down on that a little bit. There are some other points I can give you better. Well, the bookmaker has his tablets, here and he has his agents. His solicitor will come and ask you which horse you will take a chance on this time, and then you play "to show," or play "to win." I can not give in detail the distinction. He takes your money and he holds that money, or his assistant holds it. Usually between the races, or else the next day before the race is on—I mean between the different features of the day's racing or the next day before the races open—he will settle with the men who have placed their money with him and who have won. You call and get your money, sometimes right away after the race and sometimes the next day. I can be corrected as to that exact process. I did not do any of the betting myself, but I saw any quantity of it.

I have what might interest you a little more, Senator, maybe, as connected with this bill. By the way, there were sometimes 30,000 and sometimes 75,000 present. I rode back on what is called the "busted" train, after the last race. Every man on that train would be busted, and you could not get a rise out of them. I never saw such a funeral atmosphere in my life. There was not a man in that train that would say, "Well, I have lost everything, but I will win next day." You could look into their faces and feel that they were utterly gone and hopeless; that they would be ready to commit any crime.

Just by way of parenthesis, John W. Goff told me that a number of the big business firms in New York City, when they find that one of their men is gambling in any way—rack-track gambling or any other—that he has been engaged in that, immediately, in their board of directors, make up the deficit, rather than to have it known that any man connected with their firm has gambled, rather than to have it known by the public by his getting into court, or getting publicity as a gambler. So certain are these big business men that this gambling ruins a man's character and makes him untrustworthy.

I was going to say that at one track I noticed a woman, and when a race was run and the winner was put up on the board, there were some persons around about her who cleared a space for her—we noticed the same little coterie—and then she lifted her glasses, which I saw were either Warner & Swazey or Busch glasses, the most powerful of field glasses, and she would swing those glasses around the track, and then over to a window in a house about a mile away, which we found had a party in it, and as soon as she was satisfied that that party was looking, evidently, she did something like this [indicating, putting hand to face, to coat collar, etc.], she straightened out a feather in her hat, and so forth, which we had every evidence to believe was the signaling of the result of that race. That thing went on every afternoon, I think I may say with perfect certainty, sending it to a man who disseminated that news over the country. That is stimulating in all the little centers where gambling is promoted the taste for gambling.

At the Aqueduct track it was only three-quarters of a mile that she looked and signaled. This is just to give you an idea as to the very intimate connection of this racing and this news dissemination over the country. That news can be purchased by tistler sheets. Then usually, just before the race was run, her aides de camp would go downstairs—I would not say they were her aides de camp, but they would go downstairs—and bring up the latest betting figure, and then she would apparently signal. I say "apparently." There was every evidence she did do that.

As I say, when I came back on the "busted" train, I was very much surprised to find 150 or more of these young men got off at my station, and I began to trace around through the community, and I began to ask Y. M. C. A. men and others who have to deal with this thing. I found that many men, even men in the ministry—in one case a very well-known man—had absolutely gone to pieces over that business. I found that doctors and men with good reputations in the community had lost everything they had on earth; and I got good and mad. It is perhaps no business of mine except as I am pastor of a church, to find out about these things, but I got good and mad, and I saw the leader of my Bible school class, one of the finest business men in New York City, a very important business man, and an officer in large concerns in New York City, and he told me that men in his class had come to him and confessed that through gambling they had gone to the bad, and they were now trying to get them back on their feet. I find that the feeling against this is not in any one church or in the synagogues or among the Roman Catholic priests, but they all find that gambling is becoming the most serious character peril in the United States, beyond even what the public

realize. That is why I have come down here to-day, leaving so many things at home that I had to attend to, to give my humble testimony here. I am not an expert, but I would be glad to answer any questions I can answer, and those questions that I can not answer I will refer to Dr. Crafts and others.

Senator STERLING. Has anyone any questions to ask the witness? If not, that is all. We are very much obliged to you.

Mr. CRAFTS. I will ask Canon Chase to add a few words to what he said yesterday, and then, unless some one else has something to say, we will be ready to turn the matter over to those on the other side.

#### STATEMENT OF CANON WILLIAM SHEAFE CHASE—Resumed.

Mr. CHASE. Dr. Young and myself, Mr. Chairman, have come here because we feel the importance of striking the evil at a vital spot rather than simply to cut off a few of the trappings of the evil.

This great commercialized gambling monopoly is threatening to control everything, not only the newspapers, over which it has almost a death strangle grip, but Congress as well and legislators.

Monte Carlo was alluded to a few moments ago. If I had realized it I would have been more accurate in what I have to say, but there was a little Commonwealth where the prince, a nobleman, went and offered to the Commonwealth to pay all the taxes of the Government—all the expenses of the Government—so that no member of that State would have any taxes to pay, provided he was allowed to have a monopoly on gambling; and we have there the extreme influence of commercialized gambling upon politics and upon the national life.

Monaco is the name of that sovereign principality which extends 9 miles on the Mediterranean Sea. It is under the protection of France, and covers 8½ square miles in area. Monte Carlo is its capital. None of its inhabitants have access to the gambling tables. The citizens of Monaco consented in 1860 to permit their commonwealth to become the headquarters of the legalized gambling business, because large prizes were paid for their lands and they were guaranteed exemption from all the expenses of government.

In 1918, the gambling joint stock company of Monte Carlo paid the Prince of Monaco \$20,000 for the privilege of having the monopoly of legalized gambling. All other nations regard the gambling business as an evil to be controlled or suppressed. The United States should cease being partners of the gambling business.

I would like to bring to your attention the statement of the prime minister of Canada, Mr. Meighan, that he made upon this subject. He said:

"For my part, I take the ground that the institution of betting in itself has done nobody any good in this world. I do not believe that under its best conditions it ever does any good, and I believe it does infinite harm. The institution of betting, when you wipe away the verbiage, when you look down at the principle of its being, its heart, and life, what is it? It is the attempt to get in this world by chance what should be got only by industry and toil. It is really based upon the desire to get the wages of this life without working for them. It is an effort to get the rewards of doing well by doing ill, an effort to get the prizes of life by doing injury to one's fellows instead of doing them good."

And I would like to quote also from Hobson, who in his monograph on the ethics of gambling puts it this way:

"Gambling involves the denial of all system in the apportionment of property; it plunges the mind in a world of anarchy, where things come upon one and pass from one miraculously. It does not so manifestly sin against the canons of justice as do other bad modes of transfer—theft, fraud, sweating—for everyone is said to have an equal chance; but it inflicts a graver damage on the intellect. Based as it is on an organized rejection of all reason as a factor, it removes its devotees into a positive atmosphere of miracles, and generates an emotional excitement that inhibits those checks which reason more or less contrives to place upon emotional extravagances. The essence of gambling consists in an abandonment of reason, an inhibition of the factors of human control. In the history of mankind, civilization of the individual has chiefly consisted in and been measured by this increased capacity of rational control—a slow, gradual, imperfect taming of the animal instincts which made for emotional anarchy of conduct."

"The practice of gambling is thus exhibited as a deliberate reversion to those passions and that mental attitude which characterize the savage or pre-human man in his conduct and his outlook."

"A practice so corrupting to the intelligence not only of the habitue, but even of the casual spectator, stands condemned as a formidable enemy of education and of intellectual order."

"In thus exposing the irrationality of gambling, both as a mode of transferring property and as a mental occupation, I have implicitly exposed its immorality also. Its repudiation of equitable order involves at once an intellectual and a moral descent to a lower plane of thought and feeling. Perhaps no other human interest not based on purely physical craving, arouses so absorbing a passion; alcoholism itself scarcely asserts a stronger dominion over its devotees."

In the thinking of the country many people need more guidance than they have received, to realize just what the moral and sociological influence of gambling is.

The word "natural" is sometimes used, and the statement is made that it is natural to gamble. That word is very often misused, as if what is natural were to be considered as the perfected, final state of a thing. But it does not follow that because man began in a certain way with certain impulses and desires that he must never change into something better. For instance, one is born a baby. It is natural to be a baby, but it is not natural to stay a baby.

It is natural to want what you see. One might say it is natural to steal, to grasp anything within reach. The processes of civilization and development are to lift one from the primal, lower conditions of primeval men up through the various stages to a whole man; so that the good man is the natural man, and Jesus Christ is the natural man. He is the whole man.

You see a rotten apple, and you do not say: "That is an apple as Nature meant that it should be." You do not see the blossoms of an apple and say: "That is the way the apple was meant to be."

If we are told that it is natural to gamble, we must think of it as only one of the primeval and lower instincts, and that must of necessity be disciplined and kept under control.

Now may I say just this, because I do not want to say too much: It is always the device of the enemies of all good measures to take some one special feature of a bill and exaggerate it and misrepresent it, and thus throw discredit upon the whole bill. The purpose of this paragraph, section 5, is very clear. It is meant to take the newspapers away from being partners of this race-track gambling business, this monopoly of gambling. Here is a paper that I just bought in the corridor, that is an evidence of what this bill is aimed at. It says, "Havana selections, by Trackman." It simply says that this newspaper, or Trackman, advises that in his opinion the winner of the first race will be Acosta.

Here are the probable winners at New Orleans, which has been referred to.

This bill is aimed at a definite, clear evil, in which the newspapers of this country are really the partners of an illegal business carried on in violation of the laws of 45 States of this country. Forty-five States have, after long agitation, declared that this is an enemy of human kind, and they have passed laws against it; and yet three States are used through which the population of the country are milked, through which they are robbed of wealth and character, and business in these other 45 States is undermined because this thing goes on with the permission of the United States Government.

Senator OVERMAN. This says, "Probable winners at New Orleans." It seems that Louisiana has races and legislation, too.

Mr. CRAFTS. That is in violation. They are asking for this in order to enable them to protect their own State law.

Mr. CHASE. Yes, and the Louisiana Legislature addressed the Congress and asked Congress to pass some such legislation as this, but more drastic than this, covering the telegraph and the telephone, which are not in this bill, and the Legislature of Louisiana addressed that communication to Congress; and yet those races are being carried on there.

Senator STERLING. I received a copy of the memorial from the Louisiana Legislature. It is very strong.

Mr. CHASE. New York State, after long agitation under Gov. Hughes, at two different sessions of the legislature voted at that time, under the oath of allegiance, in which they promised to sustain the constitution of the State of New York, declaring against the race-track gambling; and yet, by the decisions of courts and by the neglect of the police officials gambling is carried on at the race tracks in New York and Dr. Young was exercising a good influence and using a splendid influence in behalf of society for the prevention of crime to prevent that evil.

Senator OVERMAN. Do all the newspapers carry this, or is it just one or two papers? Mr. CHASE. Practically all the daily papers carry it, I think.

Senator OVERMAN. Is any one paper considered by the gamblers as a gambler's organ?

Mr. CHASE. Yes; I think so.

Senator OVERMAN. What is that paper?

Mr. CHASE. I can not speak for the gamblers, but the Morning Telegraph, of which we have a copy here, seems to be their agent.

Senator OVERMAN. That is their agent?

Mr. CHASE. I think they employed somebody to come here and speak in their behalf.

Senator OVERMAN. That is the Telegraph?

Mr. CHASE. The Telegraph. The Telegram is an afternoon paper, but the Telegraph is the morning paper. They charge, I think it is, 10 cents a copy. Other papers charge 2 and 3 cents a copy in New York, and this paper charges 10 cents a copy.

I wanted to say that if you will read carefully section 5 you will find that what is forbidden to be carried through the mails is only information or statements which are connected with this gambling business or system. That is what this is aimed at. If you will read it carefully you will see that we are not exaggerating or mistaking.

You must remember, too, that the United States district attorney will be the one who will interpret this law; that he is the adviser of the Postmaster General of the United States—is he not?

Mr. CRAFTS. The attorney general of the Post Office Department.

Mr. CHASE. The attorney general of the Post Office Department?

Senator STERLING. Yes.

Senator OVERMAN. Ought not gambling in stocks to be stopped?

Mr. CHASE. It seems to me that we have in this country not only the great evil of gambling on horse races but also that of gambling in stocks. If you will remember, Gov. Hughes had that question asked of him, as it has been asked of me, for many years.

I believe that I agree with you that something ought to be done by way of legislation in some way curb that matter.

A commission was appointed by Gov. Hughes which made a very careful study and report, in which they said that it was not possible to do anything to prohibit gambling in stocks without interfering with the processes of commerce—for instance, they said that the sale of futures in cotton was necessary.

Senator OVERMAN. Futures in both cotton and wheat.

Mr. CHASE. In cotton and wheat—that the sale of futures was necessary in order to properly finance those great industries. But it does not seem to us to be necessary for us to pass upon it. We can say and agree in this that anything that appeals to the covetousness of human nature—

Senator STERLING. Gambling, I think, is a great evil, but the question is whether we ought to select one kind of gambling and not take all.

Mr. CRAFTS. Take first one and then the other.

Senator STERLING. We have a bill against dealing in futures.

Senator OVERMAN. I think we ought to favor that. It is a horrible thing, the way the people gamble on the exchange in New York. They sell 100,000,000 bales of cotton every year, and we do not raise but 8,000,000 bales.

Mr. CHASE. I hope you will be successful in stopping just what you there describe, Senator. But here is one clearly defined kind of gambling business which we know and which 45 States have taken action against, and where the United States Government is simply asked "Will you not cease being used as a helper to violate the antgambling laws of 45 States?" These States need the help of the United States Government not to enforce their own laws but to protect them against the illegal actions of people in other States.

Senator OVERMAN. If all States would stop it, would not that be the way to stop it—if all the States would do it?

Mr. CHASE. Senator, suppose the Constitution of the United States provided that any murderer could be tried in any State that he wanted to be tried in, and suppose one State should then say that murder should be punished by a fine of \$25; you would not think that the United States Government ought to say, "We will not prevent that sort of thing," and wait until that one State should change its law, when that one State was really governing the other States?

Senator OVERMAN. That was not the point I made. If Kentucky and Maryland and Nevada would stop horse racing as other States have done, would that give the remedy that you want?

Senator STANLEY. May I ask the doctor a question there?

Mr. CHASE. I can not quite answer you, Senator OVERMAN, but certainly it would help to stop it, if you stopped it in Maryland and Nevada and Kentucky. It would

still, perhaps, be possible to do it in Mexico and Canada. I can not say but there would still be need of it, for that reason, because Mexico and Canada have race tracks controlled by the gambling trust.

Senator STERLING. Senator Stanley wishes to ask the witness a question.

Senator STANLEY. Do I understand you, Doctor, to state that where State governments do not adequately punish offenses like homicide, the Federal Government may do it.

Mr. CHASE. No; I did not mean to make any such statement, Senator. I was simply illustrating, as to a way whereby one State could undermine the laws of another Senator STANLEY. In the case of States that did not efficiently punish murder or things of that kind, then you think the Federal Government should lend a helping hand, as I understand it?

Mr. CHASE. No; I do not say so.

Senator STANLEY. I do understand you.

Mr. CHASE. What I do say is that the divorce evil, for instance, is very great now. Some States have a very loose administration of the law, and give divorce for causes that the State of New York does not permit it for. We are appealing to Congress in that matter, and we ask for a change of the Constitution of the United States so that such a vital matter as the matter of family life shall not be at the mercy of any one State. That is a vital matter that concerns the whole country.

Now, in this matter of gambling, it is a matter that concerns the whole country. It is an interstate business.

The case of murder, which I used as an illustration, perhaps unfortunately, is not an interstate business. I do not know of any body of men that are organized and selling their services to commit murder, anywhere; and we do not allude to that. But here is a body of men who are organized to conduct an illegal business in 45 States, and we are asking the United States to use its interstate commerce powers to forbid the use of the United States mails by these men who are plotters against the laws of 45 States. This is an illegal business, and they are using the United States mails as a means of carrying on their illegal business, and we ask your committee to use the interstate commerce powers of Congress to prevent their using the United States mails, and in protecting the laws of 45 States.

#### STATEMENT OF MR. W. F. CRAFTS—Resumed.

Mr. CRAFTS. Mr. Chairman, Mr. Pickett in a moment will want to say a word. Let me say that Canon Chase used the word "violation" of State laws. "Nullification," I think, is what he means. Here are 45 States which have prohibited race gambling within their borders, but they can not forbid the telephoning or telegraphing, or in this case sending in tips by mail, through which people in North Carolina will be playing the races in Mexico, and Cuba, and Canada.

The State of Louisiana sees the need of this, and the constitutional convention of that State asked Congress not to help them enforce their laws there, but to stop and prevent outsiders from coming in and encouraging violations of the law in their State.

The same thing is true in New York.

In the same way, when people could send whisky from Kentucky into speak-easies in a dry State, we needed to have the United States Government take away the permission to so pervert the control of interstate commerce by Congress instead of by States.

I wanted to say one other thing, and that is, I have been to race tracks, and I consider that race-track gambling is clearly very much worse than all this hidden gambling in rooms. Here are 25,000 men at Saratoga, watching the horses come down the stretch. Under that excitement people lose all self control, and forget what they are doing.

A woman will ask a tout what horse to bet on, and she throws away her money. People go almost insane under the excitement. It is a mania. There is \$2,000,000 a day more gambling in New York than at Monte Carlo in 10 years. The New York World said so some years ago. Other gambling is nothing to what is bet on horse racing.

Another thing. People talk about amusement. This is the most solemn and glum amusement that I ever saw. I am a sport, from college days, and I claim to be a man that knows the joy of life. I went to Saratoga and I did not find a smile. Everybody was gloomy from losses, or eager for gain. There was no sport about it. It is all for gain. The sport has all departed from it.

Senator STERLING. As to your construction of this section 5, do you construe that section to prohibit the publication of the result of a horse race, for example, after the fact—after the race?

Mr. CRAFTS. I should like to have the committee, when they take that up, to perhaps study the matter with some expert testimony from Mr. Pringle and others, as to what amount of news could be published without its being used by the gamblers for their purposes. If there were no odds published in advance, if there were no tips on the races, if the results of the races were not published, there would still be this danger, that men who had gotten their tips in advance over the telephone would agree that they would go by the news in the papers, and they would look to see whether a certain horse had won a certain race, and pay their bets accordingly, just as they pay on a prize fight, by the announcement in the New York papers. There would be need to guard very carefully the publication of news that could be used and would be likely to be used.

Senator STERLING. Taking the terms of the bill as they are, do you not think they contemplate the publication of information, not as to what has happened, really, in the way of a race—the result of a race—but information or suggestions that will help people in deciding how to bet? But if a race is over, no suggestion as to how to bet on that race could be of value in that way.

Mr. CRAFTS. Mr. Chairman, these men are so shrewd; the prize fighters are nothing to these gamblers. They are the most ingenious violators of the laws that I have ever encountered in my work as a reformer, and we have got to watch against the publication, like the signaling of that woman that Mr. Young described. They can say, "We pay our bets on the publication in the New York Times, or in the Washington Times, or whatever the paper may be." Of course, we have no objection to the publication of the fact that a certain horse won, any more in a running race than in a trotting race; but the law must be very carefully drawn. This bill was drawn by Mr. Walsh after having seen what he saw in the city of Washington here, prompted by what he saw of the young men in Washington. Mr. Walsh did that on his own account and not mine. We have got to avoid that danger; but we have no disposition to cut out any news that is of public interest, and we would only consider that matter of the publication of results afterwards, with a view to actually preventing that publication being used in gambling.

Senator OVERMAN. Would baseball and football be included in this act?

Mr. CRAFTS. Baseball and football will not be included in this act except as the newspapers should print matter that was used, through the mails, to promote gambling. Baseball and football betting is done mostly in pool rooms and in quiet ways.

I wish to say this, however, about news. There is some feeling among the newspapers "We have got to publish everything." Well, I do not know that the country would suffer very much if the horses used only for gambling were not included, and if their exploits were not published, we have so many other items of news. All the horses in the trotting races would be published, and all the other sports would be published. We should not miss the absence of the knowledge that a certain gambling machine on four legs had won over others. In every way I think the publication of that news is likely to be harmful. However, we are only aiming to cut out the news in so far as it will promote gambling. If a horse is only a gambling machine, used for that purpose, if we can not prevent the gambling in any other way, we might go a point further than we would otherwise, because gamblers are such habitual law breakers; we might go a little further than we would desire in order to make sure that they would not use that as advice for gambling.

Mr. DAY. May I ask Dr. Crafts a question?

Senator STERLING. Yes.

Mr. DAY. You have said several times that racing is prohibited in 45 States.

Mr. CRAFTS. No; excuse me, I have never said that racing was prohibited. I said that race gambling was prohibited. And there is nothing in that to prohibit gambling. It does not prohibit anything but gambling on horse races.

Mr. DAY. You say nineteen-twentieths of the racing is trotting horse racing?

Mr. CRAFTS. That is my information from Mr. Pringle, that the number of trotting races in this country is 20 times as great as of running races—I do not mean in days, but the number of miles. Here is a three-day meet, all over the country, of trotting horses. Thus, in the total, the gentlemen's races, in which owners drive their own horses, is a far more important part of racing than running races.

Mr. DAY. Do you know of any one of those meetings where they have trotting races, where they do not bet?

Mr. CRAFTS. But it is private betting.

Mr. DAY. Do you know of any where they do not sell tickets and use the pari-mutuel machines?

Mr. CRAFTS. We know that some of them do.

Mr. DAY. Out of all those meetings, is there any one where they do not bet?

Mr. CRAFTS. Those races are precisely on the same level with the football and baseball, and so on. The thing we are after is the promotion of betting. We are not after the individual bettor, we are after the man who makes a living traveling from one State to another, making a living by betting on those races. It is the promoter we are after. When we put this in it was to prevent those lottery schemes from getting into the same boat as the running races.

## STATEMENT OF MR. DEETS PICKETT—Resumed.

Mr. PICKETT. I have very few words to add to my remarks of last week and last year in support of the Sterling bill, Mr. Chairman, but it seems to me that some of the questions that have been asked here this morning indicate the necessity of stressing certain facts. In the first place, Mr. Chairman, I want to say that it is my understanding that we do not intend in any sense whatever in this bill to prohibit the reporting of the results of a race, or the reporting of any other legitimate news, but I think it will prohibit the reporting, after the fact, of bets that were made in that race, or odds that were made.

Senator STERLING. Look at the language. That is the reason that I asked Dr. Crafts for his construction of this language. [Reading:]

"No newspaper, post card, letter, circular, or other written or printed matter containing information, or statements, by way of advice or suggestions"—

Now follows the important part—

"purporting to give the odds at which bets or wagers are being laid or waged."

It does not refer to a thing in the past—that language does not—nor prohibit it, in the terms of the bill. But these statements or this information must purport to give the odds at which bets or wagers are being laid or waged, after the opening of the race.

Mr. PICKETT. It seems to me your interpretation of that is correct; unless the courts would hold that the reporting of the bets or odds would be information for the future performance of those horses. Of course a great deal of these dope sheets is based on what they call past performances.

Senator STERLING. Would not the expression "are being laid" govern that?

Mr. PICKETT. That is very possible. I am just giving my impression.

Mr. CRAFTS. But it says in the second clause "or setting forth the bets on wagers made, or offered to be made." That is in the second line.

Senator STANLEY. Then it says in line 3, Mr. Chairman, "or the sums of money won or lost."

Mr. PICKETT. It does not prevent the reporting of the result. It does not prevent the telling what horse won or what horse came second or third. It simply prevents gambling information, whether past or present. I am not a lawyer, and I will not attempt to say. I just give my impression.

The second thing I want to bring out, Mr. Chairman, is the extent of this thing. If you walk down Pennsylvania Avenue until you get to the Washington Post building, and go to the newsstand there that is right by the entrance to the Washington Post building, you can buy, I should say, 15 or 20 publications giving tips on the races; and when I say that I do not mean newspapers devoting perhaps a column to advice, but I refer to publications devoted wholly to advising men how they should lay their bets on the races. Sometimes these publications are in small newspapers and give only the one best bet, as they call it, for the day, and they sell from 50 cents up to as high as \$10—"sucker stuff," it is called on the street—and the young men who buy that information as a general thing have not \$15 in their pockets, and what they do have they borrowed from sister or mother.

Mr. WHITEHEAD. This witness does not seek to convey the impression, does he, that the Washington Post does this?

Mr. PICKETT. No; I was just locating this newspaper stand as being near the entrance to the Washington Post. I might say that if you go around the corner and go two blocks you will find another news stand where there are probably as many such papers for sale.

Senator STERLING. There is a second call from the floor of the Senate, and I think we will have to go up and answer to our names.

(At this point the subcommittee took a recess for five minutes, at the conclusion of which time the subcommittee resumed its session.)

Mr. PICKETT. I might have said, referring to these newspapers, that if you had gone up to Ninth Street and gone up two blocks, you would probably have found another stand there that sells a number of these tip sheets; and then if you had walked a few blocks this way or that way, you would have found another one. I think it is an absolutely safe statement, too, that you would have absolutely no trouble whatever

in laying a bet on the races at New Orleans or Havana, or Tia Juana, or wherever they happened to be in session.

Senator OVERMAN. The profit from the tip sheets is apart from the actual betting itself?

Mr. PICKETT. Yes; but it is the foundation, largely, of it. A great deal of the handbooking that is going on in Washington is a kind of amateur handbooking that goes on in barber shops and places like that, and is based on these tip sheets, where there is advance information, and upon the results published in the gambling news, of course.

Mr. Chairman, I think that the newspapers have a right to be very jealous of any seeming interference with their right to handle the news fully and freely; but there is a great deal of information which can not be now published in the papers as news. Just as an instance, you noticed, perhaps, that in New York the other day this birth control meeting was broken up. They could report that birth-control meeting, but if they were to report in their news any of the language of the speakers by way of reporting the meeting, it would immediately become unavailable. It could not go through the mails.

I am sorry that Senator Overman is not here to hear this. Another thing that I want to stress is this: The question was asked whether any lotteries were going on in the United States at the present time, and whether this bill is needed in that particular. The Post Office Department does show undoubtedly that lotteries are going on in the United States very extensively to-day. In Pennsylvania recently the Cuban lottery was found to be operating there. We have pools on clearing-house receipts, pools on baseball results, pools on everything except the weather. Not only that, but other kinds of gambling are going on to such an extent as to indicate a great national tendency. I was in a department store in Detroit the other day and my little girl called out to me, "Daddy, come here; here is a roulette wheel just like we saw at Interlaken." There was a little wheel that revolved, and you threw a little pea around it. That could be used for gambling. It is the duty of the Government, so far as lies within its power of interstate commerce, to eliminate gambling.

Senator STERLING. Of interstate commerce?

Mr. PICKETT. Yes.

Senator STERLING. I supposed that was the purpose and meaning of sections 213 and 215 of the Criminal Code.

Mr. PICKETT. I do not know what you have in mind, but I suppose it is just what I have in mind concerning this bill.

Now, the third thing is the extent of the evil results of this kind of thing. I some time ago clipped these headlines from the notices which went over the entire country. Here was a man who shot his wife because he lost all of his money in pool-room betting, and so forth, and could not support her any longer, and rather than see her live in poverty, he shot her.

Here is a man who killed another in a controversy over gambling.

Literally, blood is flowing all over this country to-day because of the extent of gambling. So this matter should not be considered, in the ordinary sense of the term, a reform matter. It should be considered, rather, as a police matter, and I am glad that in this particular case it originated with Mr. Walsh, whom nobody on earth would accuse of being a reformer; and I am glad that it has the backing of almost every police chief of every important city in the United States, who says that he needs legislation similar to this in order to deal with matters of crime solely; not that he is concerned as to the morals of the people of his city, but that he is considering the law and order of his city. It is a police matter, and should be considered as such.

Now, I believe sincerely that the newspapers of this country would welcome this legislation. The only way we could find out would be to send a questionnaire to them, and it is too late, of course, to do that; but I believe there would be a 90 per cent favorable return from the newspapers of this country; because here is the situation: Take our local situation. Suppose the Washington Times gives this kind of advance information, and suppose that the Washington Post does not; the Washington Post will find itself in a situation where it has to give that information in order to compete. They all have to do it in order to be on an equal basis with their competitors. But if they were put upon an equal basis where none of them could publish such information, I believe every last one of them certainly would welcome such legislation as relieving them from a necessity of doing something which they know demoralizes the community.

I think that is all I have to say, unless I can answer any questions that might clear things up; but I also want to say that if it were true that all the State's prohibited racing, it would not affect this publication of advance information on racing at all.

because gambling is still going on at Tia Juana, and places like that, and there would be just as much handbooking on races as there is to-day.

Senator STERLING. Are there any questions to be asked Mr. Pickett by anyone? If not, that is all, Mr. Pickett.

Mr. CRAFTS. I do not want to be misunderstood. Mr. Chairman, in what I said about the possibility of suppressing even the news of who won a race, that that is merely an academic menace, and if necessary, that might be done. It is not in any way provided in this bill. Here is the only thing about after a race is run, the prohibition of the publishing of the amounts of money won or lost by reason of such bets, wagers, and so forth. There is absolutely nothing to prevent publishing the name of the horse that won. There is no prohibition except as to the money that is lost or won. I think that is extremely clear.

Now, Mr. Miller, if you have a word to add, please do so.

#### STATEMENT OF REV. O. R. MILLER—Resumed.

Mr. MILLER, Mr. Chairman, a gambling wave is sweeping over our country like some devastating scourge. It is worse after the World's War, as it always is after every war. We are in the aftermath of the war. Moral conditions and moral standards have always been lowered after every great war in our country. We all recognize that fact, and as the State superintendent of the New York Civic League, I have had much to do with this fight.

We cooperated with Gov. Hughes a dozen years ago in that great victory, and we are thoroughly familiar with conditions there; but let me say that we urge the passage of this bill, first because the United States Government should cease hindering the States in the enforcement of their own laws. That is exactly what the United States Government is now doing.

When 45 States prohibit race-track gambling, and the Government then says, "We will allow these tip sheets and these papers, with a whole page or more—or part of a page—giving odds, bets and tips on races to be carried to every country town far and near which is to decide the races, the Government is hindering, and Blackstone, I believe it is, says that it is the business of Government to make it easy to do right and hard to do wrong. Our Government in this regard is doing the opposite."

Second, we urge the passage of this bill to cut out this advance news, because in thousands and tens of thousands of towns you will see just what you see down here in front of the newspapers of Washington, an excited, feverish crowd every day watching the results and the odds; and we know that many of them pay off according to the odds published in the papers. Through these pool rooms they may bet, many times, and be paid off; but they do not know whether a pool room manager is giving them a raw deal or a square deal. But if they look into a morning paper like the New York Telegram the next morning, they can see whether the odds were as they were claimed on the third race at Havre de Grace, or some other place, and see whether they are done. If there was not some official way by which these people could find out whether they were or not being given a square deal by the gambler, thousands of them would not bet. They would say, "We will not let this fellow give us the odds and then pay us or not if we win, as he likes." But they can say, "We will see to-morrow morning in the paper whether the odds were as he claimed they were."

Third, we urge the passage of this bill because many country towns are being debauched everywhere in reach of larger cities that print this news.

I am glad to say for their credit that there are a great many small cities in our State of New York, and elsewhere, where they do not publish this news—cities of 10,000, 20,000 or 30,000, perhaps, where they do not publish it—and even in the city of Albany—

Senator STERLING. You mean in the local papers?

Mr. MILLER. In the local daily papers. They do not publish it. But in the city of Albany one, at least, if not more, of the papers does publish this news; and if even one publishes it, they can send it for 200 miles away up to Plattsburg or Malone, and the people who bet in the pool rooms of Plattsburg and Malone and Ogdensburg can get these papers. Of course, at Ogdensburg they would probably get a Syracuse or Buffalo paper, if they printed this news, as such papers usually do. But they get the news, and they catch those that are liable to temptation, that are liable to place their money, and they keep them in a state of feverish excitement.

Let me say, there are country towns where I believe there is practically very little of this, because they do not get any daily paper that publishes the official odds. If we cut out the printing of the official odds of the day before, we will stop it in many places where it now exists.

The gentleman referred to the fact that this law is not enforced in many places. Of course that is true. I do not know of any law that is enforced. There is a murder committed every day, on the average, in New York City, and there are several hundred thefts every day, and nobody advocates a repeal of those laws because they are not enforced. There are great race meets on the race tracks of that State; but there are probably 50 of the 75 race tracks where they do not officially allow that thing. We do not say that a few fellows sitting in the bleachers or sitting in the grand stand may not say, "John, I will bet you \$3 the bay wins in this race." We do not claim there is no betting, even in those country towns where the county agricultural fairs are held and where the racing is usually held for two, three, or five days.

Senator STERLING. And you do not claim that this bill would prohibit bets of that kind?

Mr. MILLER. No, sir; that is not what we are after. We are after stopping the newspapers as published in country towns from making it hard not to gamble and easy to gamble.

Senator STERLING. Are there any other questions to be asked Mr. Miller?

Mr. CRAFTS. Mr. Chairman, we now yield to the other side.

Senator STERLING. Is there some one here to appear for those who are opposed to the bill?

#### STATEMENT OF SENATOR AUGUSTUS O. STANLEY, OF KENTUCKY.

Senator STANLEY, Mr. Chairman, the New York Times, the New York Herald, the New York World, the New York Telegraph, the New York Tribune, the New York Evening Telegraph, the Evening World, the Evening Star, the Evening Globe, the Cincinnati Enquirer, the Washington Post, and various horse-breeding associations represented by Mr. Dinsmore, the horse-breeding associations of Kentucky, all desire and request me to state that they desire to be heard upon this bill, and it will facilitate your hearings if these people have an opportunity to find out what has been said, an opportunity to know the arguments that have been made in behalf of this bill, especially in behalf of the section which was added in the last hour of debate, about which I am advised comparatively few Members of Congress knew anything at the time of its passage, and which is far-reaching in its power and in its scope and heavy in its penalties. Time will be saved by giving these people an opportunity adequately to prepare their statements.

I am advised by these various papers that they are not before this committee as proponents of gambling. I may say, by way of digression, that in my opinion if the daily press, these great means of disseminating information, were actually and in fact copartners, colleagues, particeps criminis with blacklegs, bookmakers, and the like, this country would, indeed, be in a most pathetic position.

I believe that these great papers, the great metropolitan press of this country, are a great aid to the work that the ministers of the gospel do in proclaiming a high standard of spiritual and moral excellence. In war and in peace these great papers have been an aid to the Government; and now, on the whole, I believe they are on the side of morality and that their influence upon the public is beneficial.

It is necessary, of course, for papers to print the news. The paper does not necessarily become the ally of uncleanness when it reports marital infidelities or the prevalence of the social evil. It does not become the ally of the gambler when it publishes the fact that bets have been made, any more than it becomes an ally of the murderer when it reports that human life has been taken.

These papers wish an opportunity to speak not in behalf of gambling or gamblers, but in behalf of the freedom of the press and the freedom of speech.

Mistaken efforts have been made, Mr. Chairman, by good and holy men, devout, disinterested, for thousands of years, in suppressing any speech, the proclamation of any doctrine, that was heretical or dangerous to established orthodoxy or to the established church. The experience of the churches has shown that such a blow at the freedom of the press and the freedom of speech was not conducive to the spread of the Gospel of the Nazarene; and I say that these great papers wish an opportunity now briefly and, as they claim, conclusively to show that the gambling evil, and it is an evil which all wise men must deprecate and all good men must abhor, is not best remedied—especially by a government of delegated powers, this evil is not best remedied—by an unwarranted restriction of the freedom of the press or freedom of speech. And I hope, for that reason, that the chairman will fix a time within, say, two weeks or some such matter, as we have statements that it will take some time to compile, especially from the horse-breeders' associations.

I wish to state to the chairman that I have never been a horseman, and I am not much of a sportsman outside of bird hunting, that being the only sport I engage in to a great extent, and that I am not a devotee of the race tracks; but I was born and raised in Kentucky, and I love a horse. If these people are right I will have to unlearn all that I have ever learned of the character and the quality and the use of the Arabian blood, or of what we call hot blood. I have always believed, and that belief was based upon statements made by army officers who have given years of study to the question, and by breeders who have spent their lives in the evolution of the horse, that there is no great horse anywhere without this hot blood. The draft horse is lacking in fire and in vigor. The ordinary plow horse needs it. The road horse is worthless without it; and the destruction of the hot-blooded horse would mean the absolute paralyzing of an essential arm of our national defense, the cavalry service. For that reason every civilized government in the world to-day fosters the breeding, the development, and the test of strength of the thoroughbred horse. France maintained her stables and her tracks even in the midst of war, when there was no attendance and no betting, because she realized that her cavalry found its strength in the stall of the Arabian sire. These things we wish to present.

There is much more in this bill than a mere prevention of gambling. We will also desire to present to this committee—and we will have lawyers who will do that, probably—a clear statement of the relation of bookmaking to wagers upon the track. One has no necessary relation to the other.

I share most heartily in all that these reverend gentlemen have to say touching the pernicious practices of the bookmakers all over the country. It will be shown to this committee conclusively that this bill would absolutely have no effect—it is not any more than a passing cloud or a change in the weather—upon that pernicious practice which can be remedied by State legislation, and which might be by Federal legislation as clearly within, at least as much within, the constitutional powers of the Federal Government as this is, or as this section 5 is, and that would not necessarily interfere with the freedom of the press; and for that reason I hope that the press will be given, and the horse-breeding associations will be given, sufficient time to present the case.

Senator STERLING. Are there not some representatives of the press that can go on at the present time?

Senator STANLEY. They are here, but they prefer to read the hearings before testimony.

Mr. CRAFTS. They have heard the testimony given here.

Senator STANLEY. They can get through more quickly, and it will save your time, if they can do that.

Senator STERLING. But just in any ordinary hearing, Senator Stanley, the parties on the respective sides are not expected to wait for the publication of the testimony before going ahead with their statements. Some of the representatives of the press have heard the testimony, or much of the testimony, and all of them have had an opportunity to hear it.

Senator STANLEY. It has not been printed. My secretary inquired to-day. None of the hearings have been printed.

Senator STERLING. No; that is true; nor do we ordinarily wait for the printing of the hearings before a side is heard.

Senator STANLEY. My experience has been that where there are two sides to a question and there is no great rush, it is customary to print the hearings and give the people a chance. In every court of law you like to see your opponent's petition before you answer it.

I think you will save time, Mr. Chairman, and it strikes me as a most reasonable request that these gentlemen be given this time. They can answer so much more quickly if they can read what has been said, and if they have time to prepare. Several members of the press have told me that they desired to prepare briefs and submit them to the committee, and thus save long oral hearings.

Senator OVERMAN. Is there any great reason for pressing this bill hurriedly through? Senator STANLEY. I do not see any reason in the world. There is no reason in the world for precipitate action upon the bill, and there is plenty of time between now and July to report the bill.

Senator STERLING. I think the committee should be considered in the matter. We have no business of importance, and we like to get through with a thing within a reasonable time after we have got started at it. I think the Senator from Kentucky will realize that. I do not like to have a thing pending all the time so that our attention will be distracted from other work by the mere feeling that it is pending. That is the main consideration, speaking for myself.

Mr. WILEY. Mr. Chairman, may I say a word?

Senator STERLING. Yes.

## STATEMENT OF MR. W. T. WILEY.

Mr. WILEY. Mr. Chairman, I am general manager of the Cincinnati Enquirer, and I also represent the Washington Post. I reached Washington this morning, and I was not aware that these hearings had been going on. I know absolutely nothing about the arguments that have been advanced, pro and con, except what I have heard in this hearing this morning.

As far as I can see, I am the only representative of a newspaper here authorized to speak for his paper.

This bill and its companion bill introduced by the chairman, as I understand it, strike very deeply at the heart of the publication of news in this country. These measures are of far-reaching consequence. I believe that the bill that is under consideration at this time, if enacted into law, would be an abridgement of the freedom of the press, which is inhibited by Article 1 of the amendments to the Constitution.

I do not agree with the statements made here this morning that this bill prohibits only the publication of racing news as for the future.

The bill also prohibits the publication of sporting news of all kinds, because the report of any contest of speed, skill, or strength is an inside tip to some one as to what such a performer will do in the future.

There are many points in the bill, as I have read it this morning, that need thorough discussion, and I am very grateful to Senator Stanley for his suggestion that we be given a limited time—two or three days, I mean.

Senator OVERMAN. There is no reason why it should not go over until January.

Mr. WILEY. I think these men should have time to prepare and bring their arguments before this committee.

Mr. CHASE. May I ask the representative of newspapers who has just spoken whether he would be willing to submit the amendments to this section 5 which he thinks will permit the protection of the press such as he declares to be in the Constitution, and at the same time would prevent the newspapers from being partners in this great commercialized gambling?

Mr. WILEY. I will answer the gentleman by saying that I would have to be guided in some measure at least by the arguments made. I want to say that I dislike very much to have it stated either by innuendo or by way of direct statement that we are partners in crime with the gamblers. We have no partnership in any degree, greater or less. It has been said that there was gambling on bank clearings. That is entirely right. Shall we, then, discontinue the publication of bank clearings?

I want to point out that there is gambling done every week in the year on stock market figures. I do not mean the gambling done in brokers' offices or on the curb, and I do not mean the gambling which is done in the great centers in New York, but I mean on the figures published in the metropolitan newspapers every day; that they are used for gambling, organized, commercialized, and carried out to the last figure. I have evidence to submit to you on that. If this is to be carried out, what is to be printed? If Congress can prevent us from printing news of the stock market and banking figures, why not prevent us from printing marital infidelities, and other things, so as to bring us finally down to the point where we will print nothing but expurgated church notes and quotations from the Congressional Record? Senator STERLING. If you will permit me, I think the question asked by Canon Chase is this, namely, as to whether you would be satisfied with an amendment to the bill—to section 5 of the bill—that would make it clear that there would be no inhibition against publishing the results of a race?

Mr. WILEY. I am not sure whether that could be done. I answer the question in part by saying that I desire to consult my colleagues. They are not all with me. I should like to know what they think about it.

## STATEMENT OF MR. HENRY OXNARD.

Mr. OXNARD. Mr. Chairman, I would like to be heard. I am neither a gambler nor a newspaper man. I am a raiser of thoroughbred horses. I get my pleasure from horses. I have my horses running at different tracks in different parts of the country. I want an opportunity for the gentlemen who are in the same category as myself to come here and speak, which I think they will do if they know about it. I was here on last Saturday, and I was led to believe that the hearings on this particular bill would be adjourned until after the holidays.



Senator STERLING. Let me say right there, before you proceed further, there is no disposition on the part of the Chair to prevent people from being heard. In fact, we desire that all parties here may be heard.

Mr. OXNARD. Give us time, then.

Senator STERLING. Very well; it has been suggested, I think, by Senator Stanley that we adjourn until after the holidays. I did not say that we should postpone it until after the holidays.

Mr. OXNARD. I intended to ask some gentlemen who are in the same category as myself to come down here so that we would have an opportunity to speak.

Mr. CRAFTS. Mr. Chairman, I think that you should not adjourn this hearing beyond a few days. As the statement shows, this bill has passed the House. Not one of us on this side has had a set speech; not one of us has known that this hearing was coming until the day before. When we were notified of a hearing all the rest of the parties were notified.

I want to say also, Mr. Chairman, that I have been connected with something like 100 hearings in Washington, and we have never waited until the evidence of one side was printed before the other side was heard. I never knew of such a case. The hearings usually go right on. You hear what we say. A lot of you have been here, and others might have been. We do not make any objection, Mr. Chairman, to a week's adjournment.

Mr. OXNARD. Do you make any objection to a two week's adjournment?

Mr. CRAFTS. We think it should not be beyond Monday or Tuesday of next week. Tuesday would suit us, and in the meantime the stenographic report could be printed and the prints could be had. Two days from now the report will be in print. It can be in the hands of almost everybody that is interested, by Friday, and we submit that by Tuesday of next week, at latest, the hearings should be completed, so that action may be taken on this matter while the subject is before the Congress and before the public.

Mr. OXNARD. Mr. Chairman, Tuesday of next week we have a meeting of all the sugar people of the United States, and I have to speak before the Finance Committee, and I have got to prepare myself. I am not ready to go on. There are some other people that are coming here that want to be heard. I suggest that this hearing be put over until after Christmas, anyhow.

Mr. CRAFTS. I object to that.

Senator STERLING. I would not want to have a hearing during the holidays, or during that week. It would be very difficult then to hold a hearing.

Mr. WILEY. Mr. Chairman, I am informed that the Solicitor General for the Post Office Department has never seen this bill. If it is enacted into law, it would become his duty to enforce the measure. I think that is another reason why it should be deferred to a later date for consideration.

Senator STERLING. It will not take us long to inform the Solicitor General as to the contents of this bill and get his opinion, and we will be glad to have him appear before the committee.

Senator STANLEY. Mr. Chairman, Mr. Dinsmore is preparing or collecting for the benefit of this committee a statement which the various stock breeders of the West are very anxious to submit. The stock breeders, the breeders of this very western horse that we are talking about, are very much concerned as to the preservation of the Arabian, the hot-blooded, horse. It is impossible to get a statement from away out there in the time mentioned.

Mr. CRAFTS. You can have it telegraphed.

Senator STANLEY. We can not have telegraphed these long statements and tables.

#### STATEMENT OF MR. ELMER DAVIS.

Mr. DAVIS. My name is Elmer Davis; I am of the New York Times. There was one slight inadvertence in Dr. Crafts' statement. He said that the newspapers of New York had been conducting lotteries.

Mr. CRAFTS. I mean the New York American.

Mr. DAVIS. There were only two such newspapers; and so far as I know there is no newspaper that is opposed to the first four sections of this bill.

Mr. PICKETT. I would suggest, if these hearings are deferred for any length of time, that they be deferred for long enough to get expressions from the men in business throughout the country—in the saddlery business, for instance—and I would like to get expressions of opinion from others. I would send out for them.

Senator OVERMAN. Personally, I see no reason why the hearing should not be deferred until after the holidays, unless there is some Senate consideration.

Mr. DAY. The first Tuesday in January would be about the 3d of January.

Senator OVERMAN. On the 2d and 3d of January Congress will not be in session. What about the 5th of January?

Senator STERLING. Would the 5th of January be satisfactory?

Mr. WILEY. Or we would be satisfied with the second Tuesday. That would be a very good day. That would be the 10th. Suppose you make it the 10th.

Mr. DAY. That will do very well.

Senator STERLING. From one point of view, I think the 10th will suit the Senators of this committee, because of the particular business that will be before the Senate in the first few days of that month.

Then it will be understood that these hearings are adjourned until the 10th day of January, 1922, at 10.30 o'clock a. m.

(Whereupon, at 1.30 o'clock p. m., the subcommittee adjourned until Tuesday, January 10, 1922, at 10.30 o'clock a. m.)

## EXCLUDING GAMBLING INFORMATION FROM THE MAILS.

TUESDAY, JANUARY 10, 1922.

UNITED STATES SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,  
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 10.30 o'clock a. m., Senator Thomas Sterling presiding.

Present: Senators Sterling (chairman) and Borah.

Senator STERLING. The committee will be in order.

I have a letter from some gentleman in Baltimore—I have not the letter here nor do I recall the name of the gentleman—asking an opportunity to be heard in answer to some statements that had been made by some one at the last hearing. Is that gentleman here? I wrote him to the effect that if he were here he might be heard—that we would give him an opportunity to be heard—before the newspaper men were heard. If he is not here, we will proceed with the testimony of the representatives of the press.

### STATEMENT OF SENATOR AUGUSTUS O. STANLEY, OF KENTUCKY.

Senator STANLEY. Mr. Chairman, I will make a brief preliminary statement and then will present the gentleman who will conduct this hearing.

This is a bill, so far as section 5 is concerned, designed, not to prevent racing, but to limit freedom of speech. This bill places arbitrary restriction, not upon tracks, but upon the press.

Directly and arbitrarily to limit freedom of speech in order to possibly and indirectly reach some local violation of law such as wagers upon a track, is vain, vicious, and indefensible. I can not too strongly express my deep and grounded abhorrence of this method of indirectly usurping the legitimate jurisdiction of the States by an extension of the Federal control over such matters as freedom of speech or the movement of interstate commerce.

The opponents of this bill have already demonstrated, and the proponents practically admit, that it will not prevent either racing or wagers; but it will place arbitrary restrictions upon the freedom of the press.

Despotic governments always have viewed and always will view freedom of speech with apprehension and alarm. A despotism in a civilized community can not exist concurrently with the freedom of the press and the freedom of speech. When you have placed a censorship or arbitrary inhibition and prohibition upon either the freedom of speech or the freedom of the press, you have not invaded one constitutional right, but have imperilled or have desolated them all, because any Government that has the power to arbitrarily exert an unlimited censorship over the press can prevent the exposure of any other abuse, and the Government which can not be condemned, which can not be censured, whose abuses can not be brought to the attention of an enlightened people, is free to invade every other constitutional right, every other inalienable right, possessed by the citizen. Destroy the freedom of the press and your hands are unshackled and your powers are unlimited to destroy freedom of conscience, immunity from arrest or from unreasonable searches and seizures, or from any other outrage or act of tyranny from which the citizen is now protected by constitutional guarantees.

Senator BORAH. Senator Stanley, do you attack this as unconstitutional, or simply the policy of it?



Senator STANLEY. Both. In the first place, I maintain that it is not necessary to show that it is unconstitutional, because of its folly and its unwise. It is absolutely a violation of the spirit of the Constitution, and I seriously doubt if even the law as enunciated in the lottery case can be extended this far.

I frankly state to the committee that I am not laboring under any serious apprehension that section 5 of this bill will be enacted by the Senate of the United States or by any other enlightened body of men clothed with legislative power.

Senator STERLING. Do you believe, Senator Stanley, that there should be any restrictions or prohibitions against race-track gambling, at all?

Senator STANLEY. Why, certainly I do. I believe there should be restrictions against the social evil, but I seriously doubt the propriety of regulating it through regulation of interstate commerce.

I believe that it is wrong to bet, to gamble; I think it is a pernicious policy, of course, and I have never had any patience with gambling or gamblers. I could not play a game of cards to save my life, unless it were casino.

Senator BORAH. Perhaps you do not appreciate it, then?

Senator STANLEY. I do not appreciate it. I went out to Bonning's to the races several times and never went on the track. I love a horse, but I take no pleasure in betting on whether one can run faster than another. I believe it is wrong to play poker for money. I think it is wrong to play roulette for money. I think it is wrong to kill people for money; but I do not believe you have any right to enter the States and punish men for homicide.

Senator STERLING. If you think that race-track gambling is an evil and should be restricted or prohibited, confining my question to that, do you believe that advice or suggestions in regard to wagers and bets and so forth should be prevented?

Senator STANLEY. May I answer that question by asking another?

Senator STERLING. Yes.

Senator STANLEY. Does the chairman believe that the Federal Government should pass a law prohibiting anything that is morally or industrially wrong?

Senator STERLING. Oh, no; there limitations, of course, upon the power of the Federal Government to do those things.

Senator STANLEY. Yes. I seriously doubted whether there were or not—I had begun to doubt it. I would love to find them. I have been searching for them in that vague, twilight zone, for some time. If there are any such restrictions they are here. If you can do this you can do anything.

Senator STERLING. This prohibits the use of the mails for certain purposes.

Senator STANLEY. Yes.

Senator STERLING. And we have passed laws relative to the use of the mails.

Senator STANLEY. Exactly; exactly.

Senator STERLING. Prohibiting certain written or printed matter from going through the mails.

Senator STANLEY. And, Mr. Chairman, that is the worst vice, that is the worst part, the worst phase, of this legislative itch with which the country is infected for the Federal and summary regulation of all the activities of the people, moral, intellectual, and industrial. It is gaining; one bad law breeds a million. To illustrate with this very thing; take the lottery case, based upon a bad principle, that the control of the mails, the facilitation of intercourse and communication between the people of the United States, could be perverted and diverted to the control of a moral iniquity in certain States; if the State of Louisiana would not stop gambling, it was the duty of the Federal Government to do it, and in order to stop gambling in Louisiana you invoked Federal control of the mails.

Senator STERLING. Do you believe that it was improper for the Government to forbid the use of the mails for the promotion of a fraudulent scheme?

Senator STANLEY. Oh, certainly not.

Senator STERLING. Whereby the people would be robbed?

Senator STANLEY. Certainly not. That is not a parallel case at all. I do not believe that the mails should be used as an instrument for defrauding. Does the chairman think that the newspapers are now defrauding the people or are engaged in gambling enterprises?

Senator STERLING. You referred to the lottery.

Senator STANLEY. Yes.

Senator STERLING. Is not prohibition of the transmission through the mails of lottery tickets, and so forth, upon the same principle?

Senator STANLEY. It was stated to be, as a justification for it; but it was an unwise extension of the Federal power, and a most dangerous one. In his work on "Federal Usurpation" Mr. Pierce discusses at great length this lottery case; and I think this is the greatest work of the kind that has ever been written. He quotes the language of Mr. Justice Fuller, as follows:

"Mr. Justice Fuller very pertinently inquires, 'If a State should create a corporation to engage in the business of lotteries, could it enter another State which prohibited lotteries on the ground that lottery tickets were the subject of commerce? On the other hand, could Congress compel a State to admit lottery matter within it contrary to its own laws?' \* \* \* It will not do to say—a suggestion which has heretofore been made in this case—that State laws have been found to be ineffective for the suppression of lotteries, and therefore Congress should interfere. The scope of the commerce clause of the Constitution can not be enlarged because of present views of public interests. The dissenting opinion concludes very properly that the object of the power granted to Congress to regulate interstate commerce was 'to secure equality and freedom in commercial intercourse as between the States and not to permit the creation of impediments to such intercourse,' and that this attempt to regulate morals and take over the police powers of the State through an act of Congress was unconstitutional. 'I regard this decision,' says the Chief Justice, 'as inconsistent with the views of the framers of the Constitution and of Marshall, its great expounder. Our form of government may remain notwithstanding legislation or decision, but, as long ago observed, it is with Governments, as with religions, the form may survive the substance of the faith.'"

Mr. Pierce further observed:

"This lottery case is the most important, as bearing upon the relations between our State and National Governments and the powers vested in each, whichever has been decided by the United States Supreme Court."

Then at great length he establishes, to my thorough satisfaction, that the effects are not only the most far-reaching, but the most pernicious.

Mr. Chairman, the press should be responsible just as an individual is responsible. I am not in favor of unlimited license to the press or to the individual to injure the community or to become the source of evil or immoral influences, but there are two ways to regulate speech and the press. They can be held responsible to the courts after they speak, or they can be subjected to a wise governmental supervision, in the despotisms of Europe called censorship, after they speak; or, worse still, you can place fetters and gags upon them by arbitrary prohibitions. The censor has some discretion. The prohibition leaves none.

I was reading the other day a description of Austrian censorship, which, until I read this bill, I thought was rather severe.

Senator STERLING. Senator Stanley, censorship really applies to prohibiting publication to begin with, does it not, rather than to action after the publication?

Senator STANLEY. Yes.

Senator BORAH. Well, Mr. Stanley, you do not need to make any argument to me on the question that we have no power to establish a censorship.

Senator STANLEY. I find I have not here the volume containing that description of the Austrian censorship. I will incorporate it in the record. It describes the method in detail. The police suggest to the papers what it would be wise to publish and what it would not be wise to publish.

Senator BORAH. Well, we did that during the war.

Senator STANLEY. Yes; but we have gone a step farther since the war.

Senator BORAH. I should hope we would take a step backward.

Senator STANLEY. I should think so. I regretted the necessity, Senator Borah, even during the war, if there was such a necessity; and you could be no savior than I to loosen the shackles upon freedom of speech after the war. (The quotation referred to, furnished by Senator Stanley after the conclusion of the hearing, is here printed, as follows:)

"Lowell, in his Treatise on Governments and Parties in Continental Europe, on page 82 says:

"In short, the Austrian press is—one can not say the most venetian, because that implies that its conduct is disliked by the people—but the most inquisitorial, the most minutely and severely vigilant in the world. It frequently orders a newspaper to leave out of its columns an article which it deems offensive, and it is even in the habit of giving notice to the daily press that some particular subject had better not be touched upon for the present."

Senator STANLEY. Under that system every reference to public affairs must pass the approval of a prefect of police. All discussions vitally touching the moral and industrial and political life of the nation are curbed and fashioned by a centralized power, and it was that power over the thoughts of the central empire, that weaving first by Bismarck of an iron web about the German States, which enabled them to merge that once free people into a compact despotism whose actions—that were bad enough, but worse, whose thoughts—they dominated; whose souls they owned. And then all the world had to rise to prevent the fastening of those same fetters upon the free civilized nations of Europe and of the New World.

Today, with the passage of this act, papers published in censor-controlled Berlin, Budapest, and Austria could not be sold upon the streets of the free city of Washington, because your arbitrary and abominable regulations—I mean our—are more severe, more drastic, than those prescribed by the autocracies of Europe. You could not sell a paper published in any great country of the world; you could not send it through the mails after the enactment of this section 5.

I speak with some feeling upon this matter. It is not a feigned apprehension of the innumerable evils that must follow in the train of this sumptuary régime.

This is as fine an instance, Mr. Chairman, as I know, of the abortive birth and progress of this character of half baked legislation. A bill, honest and perhaps advised in the main, was introduced in the Federal Congress, submitted, as I understand—as it should have been, regulating the mails as it did—to the Postal Department. As it passed, a Representative took a shot at it on the fly and inserted this section 5. The Postmaster General, in a letter to Chairman Nelson of this committee, very pertinently observed:

"This particular section 5 makes it an offense for newspapers to publish racing news. I favor the bill, but am opposed to this section 5. I was not consulted about it and I hope this section does not pass. The whole bill had better be defeated, in my opinion, than to add this additional curtailment of the freedom of the press. There has been a very strong tendency of late in that direction, and I am sure it is essential that such tendency be checked. I am reminded of Voltaire's statement, 'I wholly disapprove what you say and I will defend with my life your right to say it.'"

Senator BORAH. It is not necessary to proceed any further, then, is it?

Senator STANLEY. Senator, I think there is more in this than this bill. I have no fear that this bill will pass. This is too much. Neither the minds nor the stomachs of a free people are prepared to endure it. But I wish to emphasize its evils in order that this character of legislation may be discouraged; that this persistent and pernicious effort to control the freedom of speech and the freedom of the press may find an end somewhere at some time.

Senator STERLING. Senator Stanley, do you not think the Postmaster General's statement is a little broad?

Senator STANLEY. No, sir.

Senator STERLING. Where he says that this particular section 5 makes it an offense for newspapers to publish racing news?

Senator STANLEY. No, sir.

Senator STERLING. Do you think the section prohibits the publication of any and all racing news; as, for example, the results of races, what horse won, etc.?

Senator STANLEY. Your statement is broader than the Postmaster General's. Senator STERLING. Oh, no.

Senator STANLEY. He does not say "all racing news." You do. The statement says: "This particular section 5 makes it an offense for newspapers to publish racing news."

Senator STERLING. That would be the inference from this statement, that it would prohibit the publication—

Senator STANLEY. I would not draw that inference.

Senator BORAH. The language is as follows:

"This particular section 5 makes it an offense for newspapers to publish racing news."

That is the statement of the Postmaster General.

Senator STANLEY. Yes; I would say that the statement is inadequate. I do not think the Postmaster General has—I doubt if anybody since Milton wrote the *Areopagitica* has had—the language to make a true statement in opposition to this bill.

Senator BORAH. Well, Senator Stanley, as I think you know from personal conversation, I am quite in sympathy with your view, but I am unable to construe this letter in harmony with a number of statutes that are already upon the statute books and already in force.

Senator STANLEY. That may be true; it probably is true; it is, unfortunately, true.

Senator BORAH. Indicating that we are taking a step back toward constitutional government.

Senator STANLEY. Yes; Buckle says that all civilization for 500 years consisted in repealing laws. I wish Buckle were eligible for a seat in the Senate now. Mr. Chairman, the greatest influence for good—and it may be the greatest power for evil—is the power of the press. There is no free government without it. There are no free men without it. There is no free thought without it. There are no free men without it. There is no intellectual, no political, no industrial progress after bigotry has placed its shackles upon the aspirations and the expressions of the human mind and soul. I commend to your attention just a little paragraph from that great defense of free institutions, with the possible exception of Jeremiah Black's defense in defense of Milligan, the greatest in the English tongue:

"Though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do ingloriously, by licensing and prohibiting, to mislead her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?"

Now, let us see what this bill prohibits. Section 5 reads:

"SEC. 5. No newspaper, post card, letter, circular, or other written or printed matter containing information, or statements, by way of advice or suggestions, purporting to give the odds at which bets or wagers are being laid or waged, upon the outcome or result of any horse race, prize fight, or other contest of speed, strength, or skill, or setting forth the bets"—

Now get this—

"setting forth the bets and wagers made or offered to be made"—

"You can not tell what bets have been made or what are going to be made—

"or the sums of money won or lost upon the outcome or result of said contests by reason of such bets or wagers, or which sets forth suggestions as to the odds at which bets or wagers should or may be made or laid, shall be deposited in or carried by the mails of the United States," etc.

And it imposes a fine of \$5,000 and imprisonment for five years; or, in the event that \$5,000 is not enough or in the event that five years is not a long enough time of imprisonment, it provides for the imposition of both such fine and imprisonment. What has become of the old adage that the penalty should be in keeping and consonance with the crime?

Not only this, but if a schoolboy at college should write to his mother that his roommate had bet 5 cents on a football game, he could be sent to the penitentiary for five years and fined \$5,000. Put in force this act, and then endeavor to convince a civilized world that this is the land of the free and the home of the brave!

Senator STERLING. Suppose, Senator Stanley, that this section 5 were limited to prohibition against sending through the mails newspapers which simply set forth, in the terms of the bill, suggestions as to the odds at which bets or wagers should or may be made or laid, and stopped there, prohibiting them from giving that information in advance; would that be objectionable, do you think, to you?

Senator STANLEY. Well, this bill is so bad that any change in it would make it better; but I would not reach this evil by fooling or tinkering or tampering with the freedom of the press.

Mr. Chairman, gambling is illegal in all the States, with two or three exceptions. Those States have jurisdiction of the matter. There is not a State in this Union that can not stop betting on a race track in 10 minutes after its legislature convenes. The control over offenses of that character—misdeemeanors of that character—not only betting, but assaults, larcenies, homicides, was by the Constitution vested in the States.

Senator STERLING. Well, now—

Senator STANLEY. And that is where the work belongs, and that is where you should go to stop betting or wagers on horse racing. It is no concern of Congress.

Senator STERLING. Now, if you will permit just this interruption—

Senator STANLEY. Certainly; I beg your pardon.

Senator STERLING. If the States can pass these laws prohibiting gambling—race-track gambling as well as other forms of gambling—would not legislation of this character, limited in the way that I suggested in my question a while ago, be of aid to the States in enforcing their laws against gambling, because it would prohibit the circulation through the mails of suggestions as to how bets should be made?

Senator STANLEY. Oh, possibly. But I do not admit your premise. I do not admit that the fact that an act will aid a State in exerting its own exclusive jurisdiction justifies Congress in assuming an unconstitutional or an unwarranted power.

Senator STERLING. Well, there I do not admit your premise.

Senator STANLEY. And the evil of attempting to restrict the freedom of the press in discussing this matter more than counterbalances any possible ultimate good. It is purely problematical whether it would stop any racing at all or not, or deter it—your suggestion. It is an actual fact that it would be another step in the wrong direction—that is, of a pernicious, vexatious, inquisitorial censorship of the press.

It would be said, of course—it would be argued—that this law would not act that way; that the boy would not be sent to prison for five years or fined \$5,000. And why? Because judges have more sense and more humanity and more decency than the Senate, and that they would refrain from doing what they are authorized to do. Now, you enact this bill, and how do you know that somewhere, sometime, you are not going to find a judge that has got just as little sense of proportion and propriety and justice as the Senate of the United States?

At this point I wish to call attention to a very strong statement made to Mr. Jennings Newbold by Mr. Desha Breckinridge. He is not able to be here to-day. I take pleasure in reading from this splendid brief reading:

"Under brief sections of this Constitution giving Congress power to establish post roads, a system of espionage has been built up that was never contemplated by the drafters of the Constitution nor would have been approved by the American people had they realized the power it placed in the hands of the Post Office Department.

"The bill that is now under consideration is a far and, in my judgment, most dangerous step toward national regulation of the papers."

It is argued here that there are only three or four States that permit race-track gambling, and that for that reason we must regulate the press of the country in order to exercise jurisdiction over those States. In other words, the Constitution has vested 48 States with the right to regulate and control this matter absolutely. Three or four of these States have failed to exercise their exclusive, legitimate, and constitutional privilege of prohibiting wagers upon a race track, and therefore Congress shall do it for them. Congress has no right to pass an act prohibiting wagers upon a race track at Lexington or Baltimore, and so we go around with a gag and a throttle, and we take control over the mails of the country—the distribution of intelligence in the country. If all the States but three have done this, it is highly probable that the other three will do it. The State of Maryland can pass legislation stopping wagers upon race tracks. There is an agitation in Kentucky for that purpose. This is not an argument in favor of this sort of pernicious enactment; it is an argument against it. If all the States were conducting horse racing and betting on horse racing and distributing news of horse racing, there might be some reason for the Federal Government to take control of it. But a thing that is that nearly eliminated by the States themselves might be entirely eliminated in the course of a very brief period.

Senator STERLING. Is not this exactly analogous to the case of prohibition. Prior to the eighteenth amendment Congress would not have passed a law providing for prohibition throughout the United States; and yet Congress did pass a law prohibiting the circulation of newspapers in any State that had a prohibition law, and that long before all the States had adopted State-wide prohibition.

Senator STANLEY. I might put it this way, that because Congress has passed a few bad laws or unwise laws, or because it has gone very near the end of its constitutional tether, it should cut the tether and go the whole length; because it has regulated the freedom of the press in a few respects, it should now proceed to regulate them in any or all respects.

Senator BORAH. I think, Senator Stanley, that the argument here that we will have to rely upon finally is, whether we are going any further. There are plenty of precedents for this law on the statute books.

Senator STANLEY. Yes.

Senator BORAH. They are bad precedents, but they are there, and the question for me is whether we are going to go further.

Senator STANLEY. Exactly, Senator Borah; exactly.

Senator BORAH. I would like to repeal many of them.

Senator STANLEY. I would like to join you in that.

Senator BORAH. I received a letter the other day from a man who is in the penitentiary and who thinks he is there unjustly. He sent out a circular, and on the envelope he stated that this was an appeal to the public, and that he was in the penitentiary as the result of a conspiracy. That was taken out of the mails and was not permitted to be circulated; which is a piece of arbitrary action which can not be defended anywhere. So that we have plenty of precedent for this; but the question is whether or not it is necessary, to control this situation, to go any further.

Senator STANLEY. To still further elaborate the very strong point you make, Senator Borah, which is conclusive to my mind, take the "white slave act," as it is called. We were both in Congress, I believe, when that was enacted. I believe I voted for it. It was argued on the floor of the House, and I think on the floor of the Senate also, that that was an act to control and prevent commercialized vice; but it was not proposed that the Federal Government should resolve itself into a police force for the elimination of the social evil. Today we are regulating the social evil by laws designed to regulate interstate commerce—the only civilized country in the world that regulates a matter of that kind through commerce laws—and men have been repeatedly sent to Federal prisons for years for indiscretions, where there was no purpose, no suspicion, of commercialism in it; until the Federal judges, one after another, themselves refused to entertain indictments of that kind, and district attorneys put a limitation upon the law, in the name of humanity and decency and common sense, that the law did not warrant. No man, of course, is in favor of moral uncleanness. Civilization rests—the factors of civilization rest—upon two great principles, valor in man and chastity in woman, and the man who does not reverence the one is as vile as he who lacks in the other. But that is no reason why the Federal Government should act as a spy and as the supervisor of the private relations between men and women in the several States. Where is this thing going to stop? What is the argument for it?

Race gambling no one doubts is an evil. Of course, it is. Psychologically, these reverend gentlemen, for whom I have a great respect, have established that, but they did not need to do so. I knew it; everyone knew it. So that the States having failed to eliminate that evil to their satisfaction, they call upon the Federal Government to do it by regulating the freedom of the press.

But talk about gambling; intemperance is a bad thing. Who is it that does not know that? It is a fecund source of despair and poverty and crime and death. Every man not a driving fool knows that intemperance is a bad thing. Therefore the papers must not encourage intemperance by mentioning the concomitants of an alcoholic drink, or making any reference to anything of the kind; and the other day an officer tried to stop the Cincinnati Enquirer from making reference to a copper can because they said some copper cans were used for distilling! That is a fact. Where are we going to stop?

Murder is a bad thing, God knows! Are we to stop the papers from telling anything about murders or homicides?

The social evil is a bad thing. Are you going to stop the papers from discussing domestic infidelities?

Burglary is a bad thing. Think of it, there are millions of men in this country who do not know that a simple flat piece of steel about so long, in the shape of an attenuated wedge, called a jimmy, can be used to open doors that are locked. Suppose that a house breaking and robbery of that sort occurs and you tell the story in the papers of how a man gets into a house by the use of a jimmy, and then some fellow reads that and he gets him a jimmy and breaks into a house; you say certainly that encourages burglary. Are you going to stop all mention of that? You may say there is not very great danger from that, but that is one thing; and I want to stop you now from any further advance, as Senator Borah has said, in this pernicious practice of regulating the morals of the people by prescribing what the press shall say about their morals, whether it is in their domestic relations, their gaming practices, or anything else.

Senator STERLING. The publication of the news, Senator Stanley, of a burglary, for example—one of the things you refer to—would be quite different from giving an account of how burglars' tools might be made and how breaking and entering a house unlawfully might be effected, would it not?

Senator STANLEY. Oh, I did not say they were exactly parallel; but the same reasons would apply. What is the reason for stopping this? Because you say it gives people information about racing that they would not have otherwise. Is not that it? What is the reason for stopping a fellow from telling about the jimmy? Because it gives people new methods of committing burglary that they did not have before. You pass this act, and by virtue of this precedent and those others of its kind that now deface the statute books of a free country, within a few short years, with a little ingenuity, I can keep anything out of the columns of the press except an account of a school picnic or a pink tea. I thank you, Mr. Chairman.

Senator STERLING. Before Senator Stanley began I had been spoken to by another gentleman, who is now here, who wanted to make a brief statement, and whose statement should have come in, I think, prior to Senator Stanley's. If he now desires to be heard we will hear him. He wishes to submit some letters and make a statement.

**STATEMENT OF MR. S. EDWARD YOUNG, OF BROOKLYN, N. Y., PASTOR OF BEDFORD PRESBYTERIAN CHURCH, PRESIDENT OF BROOKLYN CHURCH FEDERATION, PRESIDENT OF SOCIETY FOR PREVENTION OF CRIME, OF NEW YORK CITY—Resumed.**

Mr. YOUNG. I did not intend, Mr. Chairman, to make any interruption in the proceedings. I can wait until the opponents of this bill have all been heard to make my statement, if you will set a time for it.

Senator STERLING. Very well, if you can just as well wait.

Senator BORAH. No; I would like to hear the Rev. Mr. Young's statement now.

Mr. YOUNG. What is that?

Senator BORAH. I would like to hear you now.

Mr. YOUNG. May I be at liberty to make a point, also, in rebuttal of Senator Stanley?

Senator STERLING. Yes.

Mr. YOUNG. This was quite unexpected—this part of it. I would like to say that the object of this bill, as I understand it, is not to send to the penitentiary the boy who writes Senator Stanley's hypothetical letter, but to send to the penitentiary the man who does his level best to induce that boy to gamble away whatever he may have by any of the various gambling propositions which are passed through the mails. The object of this bill is not to legislate people good, or interfere with their choice of pastime. I am one of those who may sometimes be classed as a reformer, but I am not a reformer in that sense that I want to shut up everything and kill everything. I want the American people to have the largest possible liberty. I want to have it myself. Doubtless you remember the story of the man who was going down the street drunk, and swinging his hands wide, and he struck another man on the nose, and the other fellow said, "What do you mean by this? What are you doing?" The drunken man said, "Why, isn't this the land of liberty?" The other fellow said, "Yes; and your liberty leaves off just where the end of my nose begins." That is my idea of liberty. Every man should be allowed to do all that he can, and what he wants to, as long as he does not interfere with anybody else.

Senator STANLEY. May I say that that is exactly my idea of liberty; just wherever one man's liberty ends, another man's liberty begins.

Mr. YOUNG. I am so glad to have Senator Stanley agreeing with me. And by the same token, it is all important that we protect those who propose not to interfere with the liberty of others from being interfered with by those who would interfere with the liberty of others. The law is not intended to restrain the well-behaved, but to restrain the ill-behaved.

The great majority of people want to do right, in this country, but there are some who do not want to do right. The great majority of the newspapers want to do right. The great majority of newspapers are a moral and educative force in this land; but there are newspapers, like there are individuals, who are of the other kind. I have had in my hand in one day 30 newspapers in New York City, the evident purpose of whose publication was—they were not such magnificent papers as the New York Times and other such publications, but what are called tipsters' sheets, most of them—to encourage the youth and others to gamble on the race tracks, and elsewhere. That is what they live for. This bill strikes at those.

If any newspaper in New York City should publish on its front page, as these tipster sheets do, information concerning gambling, telling all about the situation, saying, "We advise this, to play the horse So and So"—that is the expression they use, "to play" a horse—if a newspaper should publish the kind of advice that you try to break into, and describe it, and say, "We advise that you try to break into this particular window, or this particular store; that is your likeliest chance to break the law and take another man's property," neither Senator Stanley nor any other man would stand for that newspaper; and that is exactly what this bill is endeavoring to strike at.

Senator BORAH. Now, Reverend Young, I agree with you perfectly in that proposition; but the serious question is this, are you going to erect an autocracy here in the city of Washington whose sole discretion it is to pass upon these multitudinous affairs, this all resulting in creating here a perfectly autocratic form of government? We have seen it operating in the last few years, in which one man's discretion passed upon these questions. That is not a free government at all, and in the end it will not serve the purposes which you so properly desire.

Mr. YOUNG. No one man's discretion will control me in these matters. I have not the slightest interest in any of this affair.

Senator BORAH. What I mean is, you are putting it in the hands of the Postmaster General. We are spreading out year by year until we have practically, here in Washington, a censorship of the press. We are not utilizing it now, but it has not been so very long since we did utilize it. The big, powerful papers could publish what they wished. The small and the insignificant papers had to get out of business or be censored.

Mr. YOUNG. Senator, I can not answer you on the spur of the moment. I am not at all adept at this kind of debate.

Senator BORAH. That just suggested itself to me along those lines. I quite agree with you in your desire to stop gambling.

Mr. YOUNG. The two lines of thought I had in mind are, first, that as it stands now one-thirtieth of the population of the United States is dominating in the matter of giving the privilege, through the mails, to debauch the youths and others of the country by gambling. As to the other twenty-nine thirtieths, there are three States that have no laws against, say, race-track gambling. They have laws against pool-rooms and other things.

In those three States, according to the last figures I can get, there are 3,900,000 people—say in round numbers, 4,000,000 people. It has been quoted to me that the population of the country now is 129,000,000 people. I do not know whether that is true or not; but if so, dividing 4 into 129, we have one-thirtieth of the population over which our flag floats, with representative governments, which are under the present circumstances able to open the doors to the concerns within those three States to use the mails to advance the commercialized gambling interests.

It was not given out here the other day, Senator Borah, but if you will bear with me just a minute I will say this: I act as pastor or president for the Society for the Prevention of Crime, but I receive no remuneration of any sort from anything outside of my pastoral work. I work purely as a pastor. But in connection with my pastoral work I have found such inroads made, such undermining of integrity, such disintegration of good, honest young fellows, that I went to the race tracks myself. I went to Jamaica and the other tracks, which are within the limits of New York City, and I saw what was being done. I am not an expert in describing it, but I saw it. Then I saw the woman who was the means of conveying this information to another person a mile away from the track, who took it and put it into the pool rooms of the gamblers of the country.

Of course, this bill to be complete, to be perfectly frank, ought to include control of telegraphs and telephones.

At the present moment my other line of thought has eluded me, but I shall come back to it again in a moment.

Senator BORAH. My sole point is, it is necessary, in order to control this kind of practices or this species of crime, to appeal to the principle of a censorship of the press? Can you not enact laws which—

Mr. YOUNG. We have long been shutting out of the mails literature, magazines, and other multiple stuff that contained prurency, that contained things tending to excitement of sexual vices—things that I confess I never like to speak of. We have found it necessary to shut those out of the mails, as stimulating by private reading of that sort of thing what is believed to be injurious to the morals, particularly of young people; and how we can escape, so long as there remain only

these three States, containing less than one-thirtieth of our entire population, taking action and permit them the use of the mails for the purposes of commercialized gambling, purely for the purpose of filling the pocketbooks of the men who run it, I do not see.

Senator BORAH. I think that the influence of such men as yourself, going into those States, would bring about a reform there very quickly.

Mr. YOUNG. Well, you know, Senator, that there are such enormous interests line up, and many of them good men. As I said in my former statement, my dear father, who was a missionary in the mountains of Virginia, when he received a salary of only \$800 owned a \$500 horse. There is no man in this room that loves a horse more than I do. There is nothing in this against the horse. There is nothing more expatriating than the man who thinks, or pretends to think, that that is so. If there was any other way of getting at it, we would like to get at it that way, but it seems it is impossible.

I did not know, until I was told, to just what extent the gambling mania is being fanned by this policy. Not to detain you longer, I would like to read just a few letters I have received in the last few days. I have a letter from Cleveland H. Dodge. I think everybody knows him.

Senator STERLING. I do not think everybody does. I would be glad if you would tell us.

Mr. YOUNG. Cleveland H. Dodge is the son of William E. Dodge, one of the oldest and wealthiest families to have in New York. He has given millions of dollars to philanthropy throughout the world. He was a classmate of the former President, and at his house the President always stopped when in New York. Cleveland H. Dodge writes as follows:

"It seems hardly necessary to say that gambling in general and race-track gambling in particular have had a most debasing and demoralizing influence upon not only the men who are engaged in it but upon the community as well."

Mr. Emerson McMillin, who is president of the McMillin Co., writes as follows:

"One of our employees engaged in race-track gambling. He was in a position where he could do us a great deal of harm and himself greater harm, being the cashier. Under the terms of his contract with our company he had to surrender the stock he owned in the company, for which he was paid, but he, of course, lost his place immediately upon our knowledge that he was engaged in gambling on horse racing. I have no doubt that all companies instantly discharge any employee who is found gambling."

I read these to show how the business world regards gambling as undermining character. It unfits a man for any responsible position. That is the point I am getting at.

Mr. C. A. Coffin writes as follows:

"It is axiomatic that there is no sort of gambling which can be said to exercise a beneficial influence upon the mind of anyone who indulges in it."

Mr. W. C. Teague writes as follows:

"I think that application to business and a personal interest in the fluctuations of stocks or the performance of horses are not compatible, and that we have undoubtedly discharged employees for inattention to their work which was in reality caused by their interest in activities outside, gambling or otherwise. I recently chanced to hear of two cases where young men in responsible positions systematically robbed their employers in order to lose the money gambling."

As you all know, he brought to passage the anti-race-track gambling law in New York State. He says further:

"From my casual observation I would say that a great reform was worked by Gov. Hughes's efforts to eradicate race-track gambling, and I think further efforts should be made to end gambling by telephone and telegraph."

Irrving T. Bush, of the Bush Terminal Co., New York, says:

"I am very certain that the responsible employers would look with disfavor upon any employee who made a practice of playing the races, or indulging in any extent in any gambling operations. I do not believe in taking all the joy out of life, but I do believe in keeping our own house in order, and saving the young men of future generations from unnecessary temptations."

I do not believe it is necessary to detain you any further. I should be very pleased to answer any questions.

Senator BORAH. Now, I agree with what those gentlemen say, including the New York Stock Exchange; but to get back to the proposition, the question is whether we can manage this proposition or deal with it in any other way than

by putting it in the power of the Postmaster General to still further exercise his power upon the press of the country.

Mr. YOUNG. Judging by the Postmaster General's letter, which I have not seen but which I understand is in the papers this morning, it would be like flinging the child—

Senator BORAH. Yes; but he may be at the head of the movies and another man may be in there in a month, and you can not tell anything about that.

Mr. YOUNG. I would not say a word against the present Postmaster General. I have a great respect for him.

Senator BORAH. I have, too.

Mr. YOUNG. This as to his being Postmaster General, and being at the head of the movies of the United States, would seem to me, just as a layman, as a rather unwarranted intrusion into this hearing.

Senator BORAH. It would be, if the practice had not been so thoroughly established, but it is a thing which is perfectly familiar. But we are to blame for it. We are crowding upon him all the time this autocratic power. The power of control is being lodged here in the hands of a few bureaus, and there is no reason why they should not dictate to Congress.

Mr. YOUNG. I think all of us, and all thoughtful men, regret that there is so much autocratic power, but so far as I can see the conditions, this hue and cry about throttling the liberty of the press by denying them the liberty of printing matter tending to stimulate gambling is not at all within the realm of the question of restricting the press in the use of its great power, and somehow I can not think that is the understanding of this bill. I can not think that the New York Times and such larger papers would continue to oppose it.

Senator BORAH. They no doubt see the principle that is tending to be established, and not this particular instance, and that is what we are all discussing now. If you will go back 25 years and start with the time when we first gave the Postmaster General a slight control over the matter, and follow it up to the present, you will find how rapidly this leprous disease of bureaucracy is fastening itself on the whole body politic. It is really a dangerous situation. For instance, during the war there were some things that ought to have been controlled, but we went to the extent of a control of thought in this country that was not exercised in any other country, unless it was Russia. It was not exercised to that extent in England or France. And it is the principle that we are establishing and continue to push forward further and further over this proposition that is disturbing us.

Not that we want to stand in your way when you want to stop gambling. I am a firm believer in horseflesh myself. But I do not think that gambling is necessary to keep up interest in horseflesh.

Mr. YOUNG. I have mentioned here before, the position taken by one of the big horse owners of the country, that running-horse racing is always for gambling and that horse trotting and other forms of horsemanship are for the sport. I think all the evidence I have ever had shows that that is true.

As to other countries abroad, Senator, I saw the heading of a letter this morning coming from my friend John Henry Johns, who was long pastor of the Fifth Avenue Presbyterian Church in New York City, who was noted for never having anything to do with such movements as this. This letter inquires as to how, as pastor now of the Westminster Chapel of London, he can help on in England a movement to restrict the evils of gambling as they are breaking out there, perhaps as an aftermath of the war; and I suppose, Senator, in all these things we have to do a little harm in trying to do a little good. I believe it was the philosopher, Hobbes, who stated the proposition of "the greatest good for the greatest number." Possibly in putting this bill through we would do a little harm, but the aggregate of good would certainly be much greater than the aggregate of harm, as it seems to me; and we, the strong, are not going to lose but very little by acting in behalf of those who are weak and infirm of will, to protect them from these temptations. I am afraid I have made a great mess of my statement, Senator.

Senator BORAH. No; I think that you have made as good an argument as could be made for your side.

Mr. YOUNG. I think if you would drop into my prayer meeting some time, you would make a much better speech there than I have made here.

Senator BORAH. Mr. Chairman, it is almost 12 o'clock. I must be upon the floor of the Senate at that time.

Mr. S. E. THOMASON. Mr. Chairman, everybody has been heard at these hearings, extending over a number of days, in the past, except the newspapers,

whose interests will be most vitally affected; and I know, as representing the American Newspaper Publishers' Association, and not having a long or fluent speech to make, a number of publishers would like to be heard, and would like to be heard by you, Senator Borah.

Senator BORAH. You have heard about the judge who told the gentleman who wanted to address him, that he was with him but he would listen to him anyhow. [Laughter.]

Perhaps I ought to state, in view of what I did say, that I have sympathy with both sides of this proposition, and I am perfectly willing to aid in the stopping of gambling, but I must be convinced that this is the way to do it.

Dr. CHASE. I would like to ask Senator Borah how he reads that this bill gives an unappealable and an absolute power to the Postmaster General—that is, a censorship power? Can there not be an appeal from the Postmaster General's decision with reference to any mooted question that might come up? This simply says that certain matter is unappealable, and if the Postmaster General says that is unappealable, and you and I think it unappealable, have we not recourse to the courts?

Senator BORAH. No; not that I know of.

Dr. CHASE. That was the ground of my question. As I understand it, any person aggrieved by the excluding of any matter from the mails, may go to the judge of the United States district court and ask for an injunction restraining the postmaster, and if he is denied may appeal to all the higher courts.

Senator BORAH. Of course, I do not know about this particular matter, but I have had experience for some time with appealing from the Postmaster General with reference to his decision to exclude certain matters from the mails. There is nobody to appeal to except by a second hearing by the Postmaster General.

Dr. CHASE. But if he acts in an illegal way, contrary to this law, there must be power in the nation to convict him of that.

Senator BORAH. That is the vice of the bureaucratic system of Government. There is no appeal from his decision in the matter, that is effective, at all.

Senator STERLING. Would it not remedy this, in your view, if there was made an appeal from his decision?

Senator BORAH. Of course, I can imagine that there might be an appeal; but I can not imagine whom you would appeal to.

Senator STERLING. Would not that be analogous to your amendment to the antisedition bill, where you provided for an appeal to a judge from the Postmaster General?

Senator BORAH. But I did not get it.

Senator STERLING. But you did get it. I accepted your amendment in that respect.

Senator BORAH. The bill has not passed.

Senator STERLING. The bill passed the Senate with your amendment and went to the House. No action was taken by the House. I reintroduced the bill. It was favorably reported and is now on the calendar of the Senate.

Senator BORAH. That would help the matter some.

Senator STANLEY. Mr. Thomason is very anxious to present his case before we adjourn.

Senator BORAH. The Senate meets at 12 o'clock, and unless the chairman of this committee can go up and get a postponement—

Senator STERLING. Of the Senate?

Senator BORAH. Yes.

Senator STERLING. I can hardly do that.

Senator BORAH. That debate is going on in the Senate at 12 o'clock, and I suppose I shall have to go there.

Mr. THOMASON. I submit that it is singularly unfortunate that these gentlemen who favor the bill have had three sessions of hearings of this committee and the gentlemen who are opposed have had no opportunity.

The CHAIRMAN. You will have opportunity. This session of the subcommittee was called for the purpose of hearing the newspaper people.

Mr. THOMASON. But our time has been taken up by others.

The CHAIRMAN. I would like to consult Senator Borah's convenience.

Senator BORAH. If we were not acting under a unanimous-consent agreement in the Senate, it would be different, but we are, and the thing goes on whether we are there or not.

Senator STERLING. Yes.

Mr. CARROLL. May I ask if it would suit the convenience of Senator Borah and yourself, Mr. Chairman, if Senator Borah's engagement is at 12 o'clock, if we could return here at some time this afternoon or to-morrow morning, when these gentlemen can be heard?

Senator BORAH. Suppose we come back here at half past 2 this afternoon.

Mr. CARROLL. That would be fine.

Mr. THOMASON. Will it be understood that at that time the newspaper men will be heard without further interfering from the clerical gentlemen?

Senator STERLING. Yes; you will be heard at that time.

The committee will stand in recess until 2.30.

(Thereupon, at 12 o'clock m., the subcommittee took a recess until 2.30 o'clock p. m.)

#### AFTERNOON SESSION.

The subcommittee reconvened, pursuant to the taking of the recess, at 2.30 o'clock p. m.

Present, Senators Sterling (chairman) and Borah.

Senator STANLEY. I want to ask permission to have incorporated in the record a brief touching the thoroughbred horse in the Cavalry service, by Maj. Scott, and a statement from Mr. Dinsmore, secretary of the Horse Association of America, on the same subject, and briefs by Mr. A. J. Carroll, of Lewiston, and Mr. Arthur B. Hancock, vice president of the Thoroughbred Horse Association.

Senator STERLING. It will be so ordered, and the briefs will be printed in the record.

(The briefs referred to will be found printed at the end of to-day's proceedings of the subcommittee.)

Senator STERLING. Who is the next witness to speak on behalf of the newspapers?

Senator STANLEY. I want to present Mr. S. E. Thomason, who will take charge of the hearing from this on.

#### STATEMENT OF MR. S. E. THOMASON, CHAIRMAN OF THE AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION LEGISLATIVE COMMITTEE.

Mr. THOMASON. I am appearing here as chairman of the American Newspaper Publishers' Association legislative committee. I hardly think it would be fair to say that I am speaking for the 530 newspapers which comprise the American Newspaper Publishers' Association, but I can say this, that as chairman of this committee I have requested the secretary to send, and he has sent out, to each of our 530 members who comprise 80 per cent of the larger newspapers of the United States, including all of the larger newspapers, practically, and 550 out of the total daily, a statement and bulletin of the attitude that I expected to express here, and called that matter to the attention of each of our members.

A second bulletin was sent out last week. The first went out about two weeks ago. With all of our members notified of the attitude of their legislative committee here I have had many letters supporting our attitude and only one out of 550 who differed with me—Mr. Pape, of the Waterbury Republican.

I am not going to discuss the question of the freedom of the press, because there are other publishers here who are much better qualified to do that than I. I am going to direct myself exclusively to this section 5, in the shape in which it is now drawn.

Probably not more than 10 per cent of the members of the American Newspaper Publishers' Association print tips on the races in their papers, if that many. Not more, surely, than 20 per cent of the members of the American Newspaper Publishers' Association print the racing entries with the odds, or the racing results with the odds.

Ninety per cent of our members have already discontinued, of their own free will, without any legislation or without any coercion from anybody, printing race-track news. I mean race-track entries and odds and tips when I say race-track news.

I believe it is a fair statement that 20 years ago practically every newspaper in the country devoted a large amount of space in its sporting columns to the



publication of that kind of news. To-day not more than 10 per cent of them do it. Now, why? No Federal laws require it. No coercion of any character has brought them to this conclusion.

I submit to you, Senators, that the reason the great majority of our papers have already discontinued printing this kind of publication is found in the fact that racing itself has been declared by various States to be illegal, in some cases, and that race-track gambling has been declared to be illegal.

Senator STRAHLING. Has it in many States; has the racing itself been declared to be illegal?

Mr. THOMASON. I believe not in many, but in some. In Illinois, my own State, for instance, you can not have any racing at all, under an injunctive process, so far as I am advised.

Possibly I misspoke. What I am addressing myself to, in any event, is that race-track gambling has been declared to be illegal. Now, again, why? What brought about that action of the States declaring race-track gambling illegal? I submit to you that there was, in the bringing about of that effect, not any other agency anywhere near so powerful as that of the press. It was because the newspapers of the various States pointed out the excesses and the evils which sometimes accompanied race-track gambling—which frequently accompanied it, let me say—that the States themselves legislated that gambling out. The newspapers did it. Without the publicity which the newspapers gave to those evils 10 and 15 years ago we would have had them to-day.

Now, again, no law made the newspapers do that; and I believe that we are here confidently and honestly, possibly believing in a little more ambitious standard of public probity than the proponents of this bill believe in. We have seen that we ourselves are controlled in our actions by principles of decency which bring us to honest and decent conclusions.

Now, there is no law at the present time making it improper for us to put into our columns statements, such as, for instance—to use your own illustration of this morning, Senator—as to how houses might be broken into, or as to the most successful methods for accomplishing various crimes; but we do not do it. Why? Because we are impelled and controlled by the same normal principles of decency that control the rest of the community, and we are found, I believe, pretty generally lined up on the side of those principles when there are any large moral issues inviting the attention of the community. But no laws have compelled us to be there.

Section 5 of this bill, if it is drawn merely for the purpose of eliminating the publication of race-track tips, race-track odds, was certainly drawn very carelessly, because it surely does not say that, and it surely says a great deal more than that. [Reading:]

"Sec. 5. No newspaper, post card, letter, circular, or other written or printed matter containing information or statements, by way of advice or suggestions, purporting to give any odds at which bets or wagers."

By the way, after the word "suggestions" there is a comma. I do not know what this means. I do not believe anybody knows what this means—"purporting to give the odds at which bets or wagers are being laid or waged, upon the outcome or result of any horse race, prize fight, or other contest of speed, strength, or skill, or setting forth the bets or wagers made, or offered to be made, or the sums of money won or lost upon the outcome or result of said contests," etc.

Under that law as drawn I do know that we could not safely, under an autocratic administration of the Post Office Department such as is not so far behind us in the history of this country, print the circumstance that a notorious embezzler had won \$500,000 at Latonia. There is no question about that. That would be printing the sum of money won upon a horse race.

We could not print the fact that large sums of money were being wagered on a prize fight.

We could not print the fact that, because of large bets being made, the faculties of Princeton or Harvard had caused an inquiry to be made into the betting accompanying those football games; and the proponents of this bill at the last hearing, upon being questioned by Senator Overman as to the relative evils of gambling in stocks and gambling on the horses, permitted themselves to say that this was merely the first step in a long catalogue of reforms which they desired to accomplish; and on being questioned further by Senator Overman, they indicated quite plainly that the time was coming when they would have to be before you gentlemen again asking for similar legislation in relation to gambling in stocks.

Now, a large part of their argument has been based upon the statement that many crimes can be laid at the door of what they call the increased prevalence of gambling on the horses. I believe that it is safe to say to you gentlemen, and I believe your experience will bear me out, that the number of defalcations and embezzlements that can be laid at the doors of race tracks is probably—I am guessing, but I submit it to you for a guess—not one-half the number that can be laid at the doors of backshops and legitimate stock-exchange houses. I know that in all those cases of which I have read recently, of substantial defalcations, the money has gone into the stock exchange and been gambled with. So the next step is going to be the same kind of request for the same kind of legislation as to gambling on stocks. Men gamble on that.

But let me read you a statement which the representative of the New York Times has handed to me from his chief, Mr. C. G. Van Anden. [Reading:]

"It might be pointed out how ridiculous that is, because there is nothing to prevent publication of betting odds in local editions of all papers everywhere."

Of course, that is a fact. Local editions in the city of New York—of course, there is nothing to prevent their printing these betting odds just as they print them now; and the gentleman who is here from New York and who is of the opinion that his situation will be made easier is very much in error, because the New York papers will continue to print these odds just as they do now. All they have to do is to keep them out of their 9.45 editions, and keep them out of the mail editions, and no law is violated by printing them in the city editions. Even if this became a law, there would be none. So Mr. Van Anden says. [Reading:]

"There is nothing to prevent publication of betting odds in local editions of all papers everywhere. Indeed, section 5, if enacted and declared valid, would only cause annoyance in newspaper offices. It would tend, moreover, to cause more papers to print betting odds than now do so—that is, papers in smaller places that do not now print betting odds because they are available in the papers of nearby cities would probably meet the local demand in their local circulation. It should be made clear, of course, that we do not print betting odds to promote gambling any more than we print accounts of murders to promote homicides. If betting is a crime, the law should punish or prevent it; then news of it will automatically cease. The law against betting on the race tracks in New York, which was quite effective until it was modified, was brought about by the publication of news of such betting."

Precisely as I say, the newspapers themselves have brought about the elimination of race-track gambling by the States and the consequent reduction of publication of news matter of that kind in the newspapers so that to-day 90 per cent of them do not print it.

Now, the gentlemen who are here and who point to the consequences of this bill, what it means to us as newspapers to have a bill of this kind with its threatened concomitant bills passed, I believe are free from this criticism that they are hurt in their pockets at the present time. We are here entirely because this bill constitutes a threat against our right to print the news that we have happened to have used in the past.

Senator STRAHLING. Suppose this bill was in terms limited simply to prohibiting the publishing of advance information, given, as the bill says in so many words, "by way of advice or suggestions" as to how a man should bet on a certain horse race—suppose that it was limited to that, would you see anything very objectionable in the bill—striking out all the rest? I agree with you that this bill is ambiguous in its terms, to say the least, and I am not sure but what it goes too far, or it can be construed as going too far, as to printing information concerning what has already happened—the result of a race, for instance.

Mr. THOMASON. Senator, in its implication and threat as to further legislation I want to say there is something objectionable in it. With the striking at that particular point, if it were done in a method which did not imply what we consider an interference with our rights, I have no quarrel. The newspaper with which I am associated has been, I suppose, the greatest force in the country in bringing that condition about. Years of fight have been put in it. I have no quarrel with that. But when it is proposed to strike at this evil by making it increasingly necessary for every newspaper to have an interpreter sitting at the copyreader's desk whose job it shall be to interpret each article in the light of the new Federal law, then I say I am opposed to that bill even

if it was modified to that extent you suggest. May I read this statement I have here?

Senator STERLING. Yes.

Mr. THOMASON. This statement was printed in Chicago, and it is handed to me. [Reading:]

"Dr. Wilbur F. Crafts, head of the International Reform Bureau, which has headquarters at Washington, has made public the comprehensive plans which his organization has formed for the betterment of the world. Dr. Crafts explained this matter to a gathering of clergymen in the chapel of the Methodist Book Concern, on Fifth Avenue. The program includes:

"1. An effort to induce the nations represented at the disarmament conference to adopt international prohibition after they have finished their discussion of war problems."

Senator BORAH. You will not get any further than that.

Mr. THOMASON. I am afraid that he might reverse the order of his program, and take one of these other points up first and get to us. [Continuing reading:]

"2. The passage by Congress of a bill prohibiting the performance of a marriage until 30 days after the parties have announced their engagement. This, Dr. Crafts announced, is 'to make it impossible for an actress to get the son of a rich man drunk and marry him before he gets sober.'

"3. The adoption of an amendment to the Federal Constitution establishing uniform divorce law with provisions similar to those of New York.

"4. A vigorous campaign against newspapers printing pictures of seminate women or women in immodest dress."

Which the Postmaster General would probably establish standards for.

Senator STERLING. Different Postmasters General might have different standpoints.

Mr. THOMASON. Yes. [Continuing reading:]

"A similar campaign against all publications which encourage gambling by printing betting odds."

This bill comes under that category. [Continuing reading:]

"5. A fight to a finish against Sunday moving pictures and the whole moving-picture industry as now conducted.

"6. An amendment to the Federal Constitution which will prohibit Catholic and Jewish institutions from receiving public money derived from general taxation imposed upon Methodists and members of other denominations."

That was printed widely throughout the country. Whether or not it was wholly authentic, I do not know; but it was credited to Dr. Crafts and printed in just that way.

I had a little analysis made of the laws of the United States, and of the laws of seven of the States, and I find that I can go about in seven of our States, chosen at random, the States being New York, Massachusetts, Pennsylvania, Illinois, California, Texas, and Alabama, and I can commit abduction or kidnapping, burglary, felonious assault, forgery, mayhem, manslaughter, or seduction in the United States, and I can commit those crimes in almost every State. I can commit involuntary manslaughter, I can kill a man without deliberately intending it, and suffer a penalty only of a fine of \$1,000 and a year in the penitentiary. But if I tip him off to a bet and do not kill him, I am fined \$5,000 and given five years in the penitentiary.

I have prepared these statements and would like to have them inserted in the record to show to what absurd lengths these well-intentioned gentlemen of the clergy are willing to go to accomplish moral reforms. They ask you gentlemen to put a newspaper publisher in the penitentiary for possibly five years and fine him a maximum fine of \$5,000 if he contravenes or offends against the moral code which they have established.

Senator STERLING. I do not think the gentlemen of the clergy are responsible for the introduction of this section 5 by way of an amendment to the House bill. It was a surprise to them that it was introduced at all, so I am informed.

Mr. THOMASON. I noticed, in reading the record of the last hearing, that that statement appeared; but all of them have appeared here as very earnest proponents and advocates of that.

I also found in the record of the last hearing, introduced into that record—

Senator STANLEY. If you will pardon me, if they did not originate, they adopted it.

Mr. THOMASON. That is a better phrase than I have put it in.

(The tables last referred to by Mr. Thomason are here printed in the record, as follows:)

#### United States:

Kidnapping: Up to \$5,000 and 5 years.

Arson: Up to 20 years.

Burglary: Up to \$1,000 and 5 years.

Embezzlement: Up to 10 years and value of property.

Felonious assault: Up to \$3,000 and 10 years.

Forgery: Up to \$5,000 and 15 years.

Larceny: Up to \$10,000 and 10 years.

Mayhem: Up to \$1,000 and 7 years.

Manslaughter: Voluntary, up to 10 years; involuntary, up to \$1,000 and 3 years.

Rape: Death.

Robbery: Up to 15 years.

Seduction: Up to \$1,000 or 1 year.

#### State of New York:

Abduction: Up to \$1,000 and 10 years.

Arson: 15 to 40 years.

Burglary: Third degree, up to 5 years; second degree, up to 10 years;

first degree, not less than 10 years.

Felonious assault: Up to 10 years.

Forgery: Up to 20 years.

Larceny: Up to 10 years.

Mayhem: 3 to 15 years.

Manslaughter. First degree, up to 20 years; second degree, up to \$1,000 and 15 years.

Rape: Up to 20 years.

Robbery: Up to 20 years.

Seduction: Up to \$1,000 and 5 years.

#### State of Massachusetts:

Abduction: \$1,000 and 1 year.

Arson: Any term up to life.

Burglary: 10 years to life.

Embezzlement: Up to 10 years.

Felonious assault: \$1,000 and 3 years or up to 10 years.

Forgery: Up to 10 years.

Larceny: Not more than 5 years.

Mayhem: Up to 20 years or \$1,000 and 3 years.

Manslaughter: Voluntary, up to 20 years; involuntary, up to \$1,000 and 3 years.

Rape: Life or term of years.

Robbery: Life or term of years.

Seduction: Up to \$1,000 and 3 years.

#### State of Pennsylvania:

Arson: Up to \$4,000 and 20 years.

Burglary: Up to \$1,000 and 10 years.

Embezzlement: Up to \$1,000 and 2 years.

Felonious assault: Up to \$1,000 and 7 years.

Forgery: Up to \$1,000 and 10 years.

Larceny: Up to \$500 and 3 years.

Mayhem: Up to \$1,000 and 5 years.

Manslaughter: Up to \$1,000 and 12 years.

Rape: Up to \$1,000 and 15 years.

Robbery: Up to \$1,000 and 5 years.

Seduction: Up to \$5,000 and 3 years.

#### State of Illinois:

Abduction: 1 to 10 years.

Arson: 1 to 20 years.

Burglary: 1 to 20 years.

Embezzlement: Same as larceny.

Felonious assault: 1 to 14 years.

Forgery: 1 to 14 years.

Larceny: 1 to 10 years.

Mayhem: 1 to 14 years.

Manslaughter: Up to life.



## State of Illinois—Continued.

Rape: 1 year to life.  
 Robbery: 3 to 20 years or, if armed, 10 years to life.  
 Seduction: \$1,000 to \$5,000 or 1 year or both.

## State of California:

Abduction: 2 to 14 years.  
 Arson: 2 to 25 years.  
 Burglary: 1 to 15 years.  
 Embezzlement: Up to 10 years.  
 Felonious assault: Up to \$500 and 5 years.  
 Forgery: 1 to 14 years.  
 Larceny: Up to 10 years.  
 Mayhem: Up to 14 years.  
 Manslaughter: Up to 10 years.  
 Rape: Up to 50 years.  
 Robbery: Not less than 1 year.  
 Seduction: 2 to 14 years.

## State of Texas:

Abduction: 2 to 5 years.  
 Arson: 5 to 20 years.  
 Burglary: 2 to 12 years.  
 Embezzlement: 2 to 10 years.  
 Felonious assault: 2 to 10 years.  
 Forgery: 2 to 7 years.  
 Larceny: 2 to 10 years.  
 Mayhem: 2 to 10 years.  
 Manslaughter: 2 to 5 years.  
 Rape: 5 years to life or death.  
 Robbery: 5 years to life or death.  
 Seduction: 2 to 10 years.

## State of Alabama:

Arson: 2 to 10 years.  
 Burglary: 1 to 20 years.  
 Embezzlement: 1 to 10 years.  
 Felonious assault: 2 to 20 years.  
 Forgery: 1 to 20 years.  
 Larceny: 1 to 10 years.  
 Mayhem: 2 to 20 years.  
 Manslaughter: \$500 and imprisonment up to 10 years.  
 Rape: Not less than 10 years.  
 Robbery: Death or imprisonment not less than 10 years.  
 Seduction: 1 to 10 years.

Mr. THOMASON. Beginning on page 20 of the print of the hearings before this committee I find a number of statements from heads of police departments, introduced by the following statements:

"The following letters from the heads of police departments in different parts of the United States in favor of the Sims bill, a similar bill in the Sixty-sixth Congress, were offered for the record by Mr. Deets Pickett, and are here printed."

Then follows a long list of letters from the police chiefs of different cities—New York, Chicago, Cleveland, Cincinnati, and so on—almost all of which I believe begin with some such phrase as "I believe this bill would be of considerable value," or "If such a bill should become a law it will be beneficial," and the object is very obviously to put the indorsement of these police chiefs behind the bill; so I went to the pains, last week, of asking various newspapers in these cities to consult with these police chiefs. I wrote to 11 of them and I have heard from 9 or 10, and I would confidently say that if it was desired, I believe I can get the same answers from all the rest I have written to, because those I have heard from now are unanimous, and every one of them says that he never saw section 5 of this bill, and is not for section 5 of this bill, and does not believe section 5 of this bill would accomplish any substantial public good. I will read one of these telegrams if you want me to.

Senator STANLEY. I wish you would read one of them.

Senator STERLING. Does not the statement introductory to these letters in the printed record show that the letters were called out by reference to another bill?

Mr. THOMASON. May I say in reply to that, Senator Sterling, that I can conceive of no possible purpose in putting those letters into the record of the hearings on this bill unless it is to give support to this bill. There can not be any other possible purpose in putting them in. I say that it is fair under those circumstances that I should go back to these gentlemen and say to them, "Is this the bill which you thought you were expressing yourself on?" If they say no, I say under those circumstances those letters should be stricken out. I supposed these letters were with reference to a bill similar to this bill. The statement in the record says that on page 20. But the chiefs of police deny that. For instance, Davenport, Iowa, is quoted. I have a telegram from the Davenport (Iowa) Times, which is as follows:

S. E. THOMASON.

Care New Willard Hotel, Washington, D. C.:

In reply to yours of the 5th, P. J. Phelan no longer chief of police. Our present chief, William Claussen, when shown this clause in the bill, said, "I am opposed to any bill of this kind and can not see how it will do any community any good. I have read the section over carefully, and believe that those who oppose it do not understand its provisions."

Our mayor, C. L. Barewald, also states he will not hesitate to take a stand against such a bill, which will rob the public of information to which it is entitled.

E. P. ADLER.

In Des Moines, Iowa, there is a different chief of police also. He says: "I have had considerable experience as head of law-enforcing organizations. I believe it would only serve to interfere with the work of police departments, that of apprehending actual criminals."

In Buffalo also the chief of police who wrote this letter has been superseded, but he says he is "emphatically opposed to section 5 of the bill." The new chief of police also is emphatically opposed to it.

In Rochester, N. Y., Mr. Winn, chief of police, takes the same position.

I will offer these letters and telegrams for printing in the record.

In Cleveland the same is true.

In Chicago the present chief of police emphatically goes on record as opposed to the bill, and the chief of police who is quoted here asks me to say as follows:

"I most emphatically repudiate any statement purporting to have been made in my name in approval of section 5 of House bill 6508."

Senator STERLING. Do you recall what the statement of the general superintendent or the chief of police in Chicago was in regard to it?

Mr. THOMASON. No; but I may say I did this: I furnished to Mr. Garrity a clipped-out section of this record containing his statement.

Senator STERLING. I may say, while I have the Sims bill before me, that it was with regard to the Sims bill that these letters were evidently written, as stated. That is the statement made, anyhow, by the party who introduced the letters; and that bill was, so far as the newspapers were concerned, quite as drastic as section 5 of the present bill, and it included also telephones and telegraphs used in interstate commerce.

Mr. THOMASON. In that case I believe that I can confidently say that no one of these chiefs of police ever saw that section or the corresponding section of this bill. So far as I am advised—I am speaking from hearsay now—a questionnaire was sent out to these chiefs of police, and these answers were elicited. I do not believe that question made entirely plain to these gentlemen just what was intended to be accomplished. I do not know that; I never saw it; but every one that communicated, takes this position; so that I am ready to believe they did not understand what we have been saying in this bill.

Mr. Garrity says:

"I have never at any time expressed approval of this legislation and do not now. In view of the fact that my name has been used in this connection, I wish to be known as protesting against its passage as a measure calculated to suppress the most obvious function of newspapers."

The same is true of both the former incumbent and the present chief of police of Baltimore.

The same is true of the chief of police of New York.

The same is true of the chief of police of Cincinnati.

The same is true also of the chief of police of Newark.

Mr. CHASE. Did you say of Cincinnati?

Mr. THOMASON. Yes; Cincinnati. I have this letter addressed to Mr. Palmer, from the police commissioner of New York:

POLICE DEPARTMENT,  
City of New York, January 7, 1922.

Mr. L. B. PALMER,  
Manager American Newspaper Publishers' Association,  
New York City.

MY DEAR MR. PALMER: Replying to your letter of the 5th instant, I have to inform you that some time ago I addressed a letter to Mr. Deets Pickett, Washington, D. C., in response to his inquiry as to the attitude of this department regarding the transmission of gambling information through the United States mails or over interstate public service lines of communication.

My answer to his communication was merely to state the attitude of this department with reference to the furnishing of racing information over telegraph and telephone wires from within and without the city of New York, and it had no reference whatever to any other feature of any measure then under consideration.

Upon taking the office of police commissioner in January, 1918, I found nine telephone centrals established in the city of New York for the purpose of distributing racing information to a large clientele of poolrooms, handbook men, and other classes of gamblers in this city, and the time in which they were in operation was usually between 12 noon and 6 p. m.

After these gambling information bureaus were suppressed, they were transferred to places just beyond the border lines of this city and continued to furnish information over telephone and telegraph wires to patrons in this city, and it was for the purpose of prohibiting the furnishing of such information over interstate public service lines of communication that I approved in part of the then proposed legislation.

Very truly, yours,

R. E. ENRIGHT, Police Commissioner.

For these reasons, Senators, I submit that this section as now drawn should not become a law. There are here to-day publishers who are much better qualified than I to discuss the question of freedom of the press in this country. Among those is Mr. Baker, the publisher of the Cleveland Plain Dealer, of Cleveland, Ohio, and he would like to have the opportunity of speaking to you briefly.

Senator STERLING. Are there any questions to be asked this witness? If not, that is all.

(The telegrams and letters submitted for the record by Mr. Thomason are here printed in full, as follows:)

NEW YORK, January 7, 1922.

Mr. L. B. PALMER,  
Manager American Newspaper Publishers' Association,  
New York City.

MY DEAR MR. PALMER: Replying to your letter of the 5th instant, I have to inform you that some time ago I addressed a letter to Mr. Deets Pickett, Washington, D. C., in response to his inquiry as to the attitude of this department regarding the transmission of gambling information through the United States mails or over interstate public service lines of communication.

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After these gambling information bureaus were suppressed they were transferred to places just beyond the border lines of this city and continued to furnish information over telephone and telegraph wires to patrons in this city, and it was for the purpose of prohibiting the furnishing of such information over inter-

state public-service lines of communication that I approved in part of the then proposed legislation.

Very truly, yours,

R. E. ENRIGHT,  
Police Commissioner.

DAVENPORT, IOWA, January 6, 1922.

S. E. THOMASON,  
New Willard Hotel, Washington, D. C.:

In reply to yours of the 5th, P. J. Phelan no longer chief of police. Our present chief, William Claussen, when shown this clause in the bill, said, "I am opposed to any bill of this kind and can not see how it will do any community any good. I have read the section over carefully and believe that those who support it do not understand its provisions."

Our mayor, C. L. Barewald, also states he will not hesitate to take a stand against such a bill, which will rob the public of information to which it is entitled.

E. P. ADLER.

When section 5 of House bill 6508 was brought to the attention to-day, January 7, of Col. William Copelan, chief of police of the city of Cincinnati, Col. Copelan said:

"When this bill was brought to my attention some time ago, and I was asked to express an opinion of it, I had no thought that it constituted such a drastic interference with the freedom of the press. Nothing was said to me to the effect that if this section of the law is permitted to pass unamended, the newspaper recording the fact that a wager was made on an international tennis or yacht contest, or whose sporting editor expresses the belief that one contestant in a golf or other sporting tournament has the best chance of winning, may find itself subjected to the extreme penalty of the law."

"When I learned what this section of the bill really meant, I realized how far-reaching it might be. As I said before, I had no idea, when I first was asked about this bill, that it meant such radical interference with the freedom of the newspapers of this country. I am opposed to this bill."

CHICAGO, ILL., January 9, 1922.

Mr. E. S. THOMASON,  
Washington, D. C.:

The passage of House bill 6508 with section 5 in its present form I would consider a subversion of the duties if not the freedom of the press. While it appears ostensibly to aim at a correction of the gambling evil, it appears to me to offer a blanket indictment against the publication of nearly all innocent reports of contests of skill, strength and endurance, healthy sports, in which a lively interest should be taken. It is regrettable that gambling and crimes of all sorts can not be curbed, and it would in my opinion be most reactionary to forbid reports of acts which are of common knowledge and commission. I most emphatically oppose such legislation.

ROBERT E. CROWE,  
States Attorney, Cook County.

CHICAGO, ILL., January 9, 1922.

Mr. S. E. THOMASON,  
Washington, D. C.:

I am opposed to section 5 of House bill 6508 in its entirety. As a former newspaper man it is plain to me that it would be a most drastic interference with the freedom of the press.

I am not in favor of gambling, including wagering on horse races. That should be suppressed; but as long as it is not suppressed I see no objection to the reporting of information concerning horse races, prize fights, or other contests of speed, strength, or skill.

I believe that murder should be suppressed, but I do not think the public should be deprived of reports of murders. That seems to be the theory of section 5 of the bill and would certainly be an unwarranted curb on the freedom of the press.

C. C. FITZMORRIS,  
Chief of Police.

THE SENATE JUDICIARY COMMITTEE,  
Washington, D. C.

CLEVELAND, OHIO, January 7, 1922.

GENTLEMEN: My attention has been called to a bill now pending in the Senate, known as House bill No. 6508, apparently to restrict newspapers from printing any information of bets on horse races, prize fights, or other contests of speed, strength, or skill. It has been said in argument for the bill that during the period when I was chief of police of the city of Cleveland I indorsed the bill. At the present time I do not recall ever hearing of the bill, but it is possible that at some time my attention was called to certain sections of the bill, which I probably indorsed. Such sections as pertain to gambling in which pool selling and lotteries were involved I would fully indorse, but the sections pertaining to contests of speed, strength, or skill are so broad that they could be misconstrued to cover amateur sports, baseball, golf, tennis, football, yacht racing, track events, and many other sports. In reading over the bill, I can not realize that I could ever have indorsed the whole bill as I now see it.

If anyone in talking with me took it for granted that it was my intention to indorse the bill as a whole they must have been mistaken, and I want to go on record now as saying that unless there are such amendments as will eliminate the sections pertaining to contests of speed, strength, or skill I would not feel justified in indorsing the bill.

It is true that police departments do have to contend with confidence men who resort to wire tapping, chiefly due to pool selling in connection with running races, but because certain sports have led to an evil there is no reason why the line should be drawn on all sports in which our people are interested.

Trusting that my position is fully understood in this matter, I am,

Very truly, yours,

FRANK SMITH.

CLEVELAND, OHIO, January 6, 1922

Mr. E. H. BAKER,  
Cleveland Plain Dealer.

DEAR SIR: I have read the bill pending in the Senate of the United States, known as House bill No. 6508, and apparently intended to restrict newspapers in printing any information regarding bets as to horse races, prize fights, or other contests of speed, strength, or skill, and providing for a maximum fine of \$5,000 and imprisonment for five years for depositing any such printed paper in the United States mails. If passed, the bill would, of course, be a Federal statute, and the duty of enforcing it would fall upon the Federal authorities.

I am not a lawyer, but it would seem to me that the language "or other contest of speed, strength, or skill" would greatly curtail the ordinary kind of information now printed by all newspapers about very many minor sports, such as college athletics, international sports, tennis matches, swimming, cricket, or golf, concerning which there is never any particular difficulty, as far as the police are concerned, with the view of gambling as we have to treat with.

Respectfully, yours,

JACOB GRAUL,  
Chief of Police.

BALTIMORE, January 9, 1922.

Mr. S. E. THOMASON,  
New Willard Hotel, Washington, D. C.

DEAR MR. THOMASON: In response to your letter of January 6 I have secured a statement from our police commissioner, Charles D. Gaither, relative to House bill 6508, now being considered by the Judiciary Committee of the Senate:

"It will not eliminate either crime or fraud in any way. I think it would be a very unpopular bill, and it is impossible to enforce an unpopular bill. That is why it is impossible to enforce prohibition, because public sentiment is not behind it, and public sentiment is not behind section 5 of the proposed bill, which the public feels would interfere with the publication of all sports and things of that kind."

Robert D. Carter, who was quoted in the record of the hearings on this bill last month, is no longer marshal of police in Baltimore, and the present marshal of police declined to make any comment on the bill, as he felt that was a

function of the police commissioner. However, we saw former Marshal Carter to-day, and he gave us a statement which absolutely reverses the attitude indicated by the quotation in your letter. Former Marshal Carter's statement follows:

"I remember receiving a letter while I was marshal asking for my opinion, but I do not remember receiving in connection with the letter anything as drastic as section 5 of the bill known as House bill 6508.

"I do not think it is unreasonable for the press to write up anything at all in connection with horse racing, prize fighting, or any contests of speed, strength, or skill as long as they are permissible by law.

"The great evil in our State is handbooks, which this section does not regulate at all. As long as betting is carried on it seems very much better to give the public the protection of the information gathered and published by newspapers. If the public is not given this protection, that portion of it which insists on betting will be completely at the mercy of the bookmakers.

"I certainly oppose restricting the press on horse racing, prize fighting, or any other contests of this character, so long as they are permitted by the laws in this State."

PAUL PATTERSON.

DES MOINES, IOWA, January 6, 1922.

S. E. THOMASON,  
New Willard Hotel, Washington, D. C.:

Present chief of police of city of Des Moines is very unfavorable to bill under discussion and allows us to quote him as follows: "Such a law as outlined in House bill 6508 would be unjust and un-American. Section 5 would be particularly objectionable, and as I have had considerable experience as head of law enforcing organizations I believe it would only serve to interfere with the work of police departments, that of apprehending actual criminals."

R. C. SAUNDERS,  
LAFAYETTE YOUNG, JR.

BUFFALO, N. Y., January 7, 1922.

S. E. THOMASON,  
New Willard Hotel, Washington, D. C.:

Chief of Police Higgins has been superseded. However, he informs me he is opposed to bill as drawn; much too drastic. New police chief, John Burfeind, says he is emphatically opposed to section 5 of the bill; declares it to be unjustified interference with freedom of press and should be amended. He is supported by Deputy Chief John Marmon.

WILLIAM J. CONNERS, JR.,  
Buffalo Enquirer.

ROCHESTER, N. Y., January 8, 1922.

S. E. THOMASON,  
Business Manager Chicago Tribune,  
New Willard Hotel, Washington, D. C.:

Replying to your inquiry addressed to Mr. William chief of police here; advocates anti-gambling law that will prohibit publication of racing forms, charts, and advice to horse-race gamblers. Does not favor law that would make it dangerous for newspapers to express opinion on outcome of sporting events generally.

A. C. ROSS,  
Managing Editor Democrat and Chronicle.

NEWARK, N. J., January 10, 1922.

S. E. THOMASON,  
Chicago Tribune, New Willard Hotel, Washington, D. C.:

Chief Long says he might have commended general purpose of bill, but doesn't recall doing so. Would not give his indorsement to section 5. Considers it more harmful than helpful.

NEWARK NEWS.

S. E. THOMASON,

*New Willard Hotel, Washington, D. C.:*

I most emphatically repudiate any statement purporting to have been made in my name in approval of section 5 of House bill 6508. I have never at any time expressed approval of this legislation and do not now. In view of the fact that my name has been used in this connection I wish to be known as protesting against its passage, as a measure calculated to suppress the most obvious function of newspapers. Although I am not now chief of police and therefore do not speak officially, I might add that were this measure directed toward the suppression only of racing odds it might be of some benefit, but I am certainly opposed to a general destruction of the freedom of the press, which clause 5 seems to me to intend.

JOHN J. GARRITY,  
Formerly Chief of Police.

CHICAGO, ILL., January 10, 1922.

S. E. THOMASON,

*New Willard Hotel, Washington, D. C.:*

Garrity statement came too late to be put on leased wire so it was sent special. He tells me that in addition to the matters contained in the statement he urges that he be quoted as strongly as possible in opposing to measure and that much emphasis be laid upon the point that he never at any time made such statement.

R. M. LEE.

LEXINGTON, KY., January 9, 1922.

S. E. THOMASON,

*Hotel Willard, Washington, D. C.:*

Capt. J. J. Reagan, chief of police of Lexington, in signed statement says: "I am opposed to handbooks, but I think we have ample measures in the State to stop them if the law is enforced. I am opposed to section 5 of the Walsh amendment because it is far too drastic." He authorizes the use of this statement in any way you see fit.

DESHA BRECKINRIDGE.

Senator STERLING. Mr. Baker, we will hear from you now.

**STATEMENT OF MR. ELBERT H. BAKER, PUBLISHER OF THE  
PLAINDEALER, CLEVELAND, OHIO.**

Mr. BAKER, Mr. Chairman and gentlemen, there are something more than 2,000 daily newspapers in the country. As has been said, an overwhelming majority of these newspapers do not carry or print racing news. The Associated Press does not carry these results, the racing news, etc.

The publishers of these newspapers, with here and there an exception, are as high minded a body of men as are engaged in any business or profession. They yield nothing whatever to any profession in their high sense of public duty and in their public spirit, or their views and feeling of obligation for public service.

The newspapers have had very serious difficulties through the years through the many attempts that have been made in the States and through the courts to regulate the things that they seek to do. We feel that it is the duty of the newspaper to publish, in a broad sense, in an entirely fair sense, the news of the day.

We had in Cleveland, growing out of, perhaps, the undue excitement of the war, a period where many crimes were committed one after the other, of a most disturbing sort. The newspapers found it necessary either to suppress the thing altogether—that is, make a very brief statement of a particular crime—or to so handle the matter that the people of the community would be overwhelmed by the enormity of the situation and would arise in a demand for the correction of so grave a menace to the community. The latter was the course chosen, and it was not long before a pay-roll holdup that resulted in the murder of two very estimable citizens occurred. The police took the matter up and they had to go clear to Mexico to find these culprits. They succeeded,

through the help of the department at Washington, in bringing those men back to Cleveland and they have since been executed at Columbus.

Another crime of a very serious sort was followed up in the same way by news stories that brought very prompt action on the part of our police force, and these men, two of them, were followed to Italy. It was not possible to get extradition and bring them back, but the Italian Government, under representations made through our State Department at Washington, and on our behalf, has taken action which has resulted in their trial in Italy.

The effect of the whole thing was to bring about in a public-spirited way an investigation of the crime situation in Cleveland, and a very able group of men were brought from various cities, the investigation being headed by Dean Pound, of Yale, and the results have been very far-reaching, and valuable beyond anything that can be estimated.

In the matter of the publication of matters such as are under consideration in this section 5 the difficulty is this: The newspapers who are trying very sincerely to render this public service of which I speak are hampered in more ways than I could readily express through the laws of the States in which we publish, through the different things that have grown out of the use of the mails as a means of disciplining us, where perhaps they found they could not do it in any other way, until we find that it takes an attorney at our elbow; as my friend of the Tribune has said, it takes the best effort that a highly trained man can give, who is sitting at the copy desk, through which every thing passes in the night, that we may guard, not a thing that we are trying to do, but to guard against doing it innocently. It goes to a point where I do not believe you gentlemen realize what it means to the newspapers of the country.

It has been said by the proponents of the bill that the matter can be readily referred to the Post Office Department in a case like this; that it is possible, perhaps, in the law to put some point at which an appeal can be made to some person. But the decisions in the case of a newspaper usually have to be made in about two minutes, most of them—so many that concern the publication of news, at least—and there is no time to refer to Washington, there is no time to do anything except to exercise the best judgment that we may have, and it seems to me that this is an attempt to regulate the vast majority of us who are sincerely trying to do the right thing so far as we know it. We make mistakes, we know, many of them, but they are mistakes of judgment, on the spur of the moment, not mistakes of intention at all; and here we would be tied up by a thing like this to a point where I should suppose that 15 per cent or maybe more of the news that the Cleveland Plain Dealer publishes every day would come under the ban of this law, one way or another.

People out our way bet on the weather reports. Now, shall we leave out the weather reports? It would be unsafe to bet on a weather report.

Senator BORAH. It would be unsafe to bet on a weather report here in Washington, if you relied on the reports of the Washington office.

Mr. BAKER. Yes; I know. Then the football games. We have 11 or 12 high schools and the universities that have football games, and those games are bet on regularly. Shall we refuse to publish anything as to these games? It seems to me there would be quite a rebellion from over the country. It does seem to me, and to those of the publishers with whom I have talked—and they have been many—that this sort of thing is going so far beyond any need that exists, so far beyond the merit of the thing, that you would merely be making another law that would be a reflection through the fact that it was unworkable.

We have in Ohio, and I presume they have in every State in the United States, and I presume there are on the statute books of the United States, great numbers of laws that are worse than useless, because they are unworkable. This seems to me another one.

There certainly is some way to get at anything that truly ought to be done, without tying the hands of the vast majority of newspapers, whose intentions are right and whose performance is of service and value to the country beyond any ordinary estimate. It seems so to me.

There is little more that I care to say. It seems to me that the whole principle of attempting to govern the newspapers through the threat that the edition will be thrown out of the mails has in it many elements of danger; that it is absolutely unfair.

An advertisement will sometimes be handed in that looks as innocent, on the face of it, as can be, and where we can not see the least intention of any

wrong idea at all; and yet there will be a warning on that sort of thing, on the species of the "copper-kettle" idea, and so on, where we can see, and we have become highly trained in the so-called lottery law and all that sort of thing, and I believe we can scent anything of that kind for a long ways; and when we do, why, then, of course, we absolutely refuse to print. We would get a construction from the district attorney in our city before we would print anything of the kind. But, beyond that, where it takes in questions of speed, strength, skill, on which any wager could possibly be made, and goes to lengths like that, it seems to me as though it is beyond all bounds of reason.

Senator STERLING. Mr. Baker, you do not understand that the press objects to a law which prevents the sending of obscene literature through the mails?

Mr. BAKER. No; I do not think so.

Senator STERLING. What would be the attitude of the press toward prohibition of lotteries and the transmission of lottery tickets and lottery advertising through the mails; would there be any objection on the part of the press to legislation of that kind?

Mr. BAKER. A question like that, Mr. Chairman, was settled a long time ago; and even where the newspapers of the country felt that in the sense in which it interfered with a right of the newspapers, they accepted that in good spirit; and any infraction of a law of that kind is so seldom met with as to be negligible, almost.

Senator STERLING. That was preventing the use of a Government instrumentality, was it not, to denationalize the people and corrupt public sentiment?

Mr. BAKER. Yes, I agree very strongly with the gentleman who opened the discussion, that it is beginning at the wrong end. I feel that.

I do not express myself in this way because of any trouble that the Cleveland Plain Dealer has with a law of that sort, at all. I merely think that the principle of using the United States mails as a threat over the newspapers is a very dangerous proceeding.

Senator STERLING. Is it dangerous in these two respects to which I have called attention—obscene literature and the matter of lotteries? Is that a threat held over the newspapers that impairs the freedom of the press—the legitimate freedom of the press?

Senator BORAH. What is obscene literature? I was reading Dean Swift last night, and you could not get that through the mails under our law.

Senator STERLING. You might not get it through the mails—

Senator STANLEY. Nor could you send Boccaccio through the mails.

Senator BORAH. Yet Dean Swift is recognized as one of the greatest of English authors.

Senator STERLING. Smolet, you certainly could not send.

Senator BORAH. Nor Shakespeare's plays.

Senator STERLING. You could not, taking it apart from the book, the volume, send that matter through the mails.

Mr. BAKER. But, Senator you do not by this accomplish the thing that is most important. In Cleveland and the territory that is adjoining it we have, say, 1,000,000 people. Now, of what avail is it to provide that we may not send matter of this sort to the towns about us, when, under the laws of which you are speaking, we can flood Cleveland with it? It does not reach, it does not accomplish, the thing. Anything that will accomplish the purpose would appeal to me.

Senator STERLING. It does not accomplish it in whole, but does it not accomplish it in part?

Mr. BAKER. I do not think it does, sir. For example, we have in Ohio a great number of cities—11 or 12—that have 100,000 people or more. Ohio is very thickly studded with worth-while towns besides these. They are, every one of them, reached by express. Every one of them is reached by busses, by interurban lines, and that sort of thing. There is not the least trouble in spreading a thing like this all over a State like Ohio, regardless of the attempt to prevent the use of the mails. That does not avail anything. This could be gotten out through the State of Ohio in some way.

Senator BORAH. You would have to include telegraph and telephone lines in here to make it effective.

Mr. BAKER. You would have to put in interurban cars and express companies and the trolley and bus lines and everything of that kind to have it reach anywhere. That is rather a large job.

Senator STANLEY. I happen to know something about the details of this business in the country, and the fact is that all the exchanges and pool rooms and betting rooms are dependent upon telegraph exchanges. This thing does

not affect the gambling in the country. You might stop the publication in all the newspapers in the United States and you would not stop 10 bets. It is pathetically absurd and impotent, as well as malicious and vexatious, and abominable in principle.

Senator STERLING. According to that, it ought to be extended a little to include telegraphs and telephones. That was what the original Sims bill did.

Mr. BAKER. Even then you would fall to get very far with a lot of these things of which you are speaking. As against 19 out of 20—I had better say, perhaps, nearly 99 out of 100—newspapers, these things are not necessary.

Senator STERLING. Let me ask another question. Has not the law preventing the sending of literature through the mails, or circulars, intended to promote fraudulent schemes, schemes under which the people of a State or of a community would be defrauded, improved things a little bit?

Mr. BAKER. Just what do you mean, Senator?

Senator STERLING. Any literature, such as I have mentioned, through the mails.

Mr. BAKER. It ought to be impossible for a person to send through the mails, if it could be found and punished, a threatening letter or to send a defamatory letter.

Senator STERLING. He refers to false prospectuses.

Mr. BAKER. Certainly; and we have in our State a blue-sky law that the Cleveland Plain Dealer helped to pass. We worked for two years before we got it. It has accomplished a very large result and a very important result. There are still some defects in it that we are trying to find and trying to cure. The newspapers are behind every right effort for the betterment of the communities in which they are published.

Senator STERLING. That blue sky law is an Ohio law—a State law?

Mr. BAKER. Yes, sir.

Senator STERLING. Therefore, ought you people in Ohio to object to a Federal law that would prohibit the United States mails from carrying literature of that kind, prospectuses and circulars, which would—

Mr. BAKER. No; I think there ought to be a Federal blue-sky law, and we have advocated that, editorially, over and over again, so that to that extent I am with you. And I am not in favor of the dissemination through the mails of matter deliberately calculated to rob a man. I am certainly not in favor of that. But this law, so far as publication in the Plain Dealer is concerned, is not necessary.

For instance, we employ the ablest man we have been able to find, who supervises every item of financial and other advertising that comes to us—real estate advertising and things of that sort. We will publish nothing that is not approved by our blue-sky law commissioner in Ohio. If there is any doubt in our minds, even, as to the justice of a thing passed by him, we take it before two or three first-class houses in Cleveland to try it out. If there is any shadow of doubt, we go to that length. The reputable newspapers of the country are doing that thing. You do it, do you not?

Mr. THOMASON. Yes.

Mr. BAKER. I do not think there can be any question about it, the degree to which the newspapers are attempting to protect their public. And let us call it enlightened selfishness, if you will; it has even a better motive, but even attributing it to enlightened selfishness, which causes us to do all that sort of thing, we are trying sincerely to take care of these things and have been at it for many years.

Senator STERLING. I grant that you are, and that the great majority of newspapers are, and I grant that the moral tone of these newspapers is all right. But how about the comparatively small minority that persist in doing these things that you have abandoned or never allowed at all because it was against your moral sense?

Senator BORAH. Punish them in the right jurisdiction.

Mr. BAKER. I think, Senator, that that is the point. I really do.

Senator BORAH. Here is the proposition: There is less betting on horse racing than almost anything else. The horse has been supplanted by the automobile and he is pretty nearly out of existence, anyway. But if you are going to efface anything like a successful move against gambling, you have to include not only the telegraph and the telephone but the stock exchange and all these other things, and you have got to have a complete supervision of the proposition.

Mr. BAKER. And you must create almost the amount of machinery, if you do that, that has been required by the Volstead Act or the excess-profits law; and in the matter of the excess profits, Mr. Senator, we have in Cleveland great numbers of concerns who have been unable to get settlements for even 1917 yet, so that it is really a serious matter.

Any act that creates an officer with a number of assistants, or that creates a bureau with a great number of assistants, to see that the law is effective is just one more bill that we all have to climb over; and it seems a very dangerous one to me. You know, Mr. Senator, we newspaper men find ourselves in about this shape. I do not believe a week in the year goes by, and I have been in the business many years, when some one with perfectly good intentions does not come in and undertake to prove to us beyond question that he can run our business better than we can. But we all meet that. Senators, I suppose, meet that same thing.

Senator BORAH. Yes.

#### STATEMENT OF MR. W. T. WILEY—Resumed.

Mr. WILEY. I have a statement here, Mr. Chairman. Apparently the ground has been covered pretty well by the speakers who have preceded me. However, I think it may be worth while to go over a few portions of the argument that have been pretty fully presented.

Our position on this bill is based entirely upon its conflict with Article I, amendments to the Constitution, prohibiting abridgment of the freedom of the press:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Interpretation of this article is superfluous, for it declares in simple, understandable English, incapable of other interpretation, that Congress shall enact no law abridging such freedom.

The scope of the proposed law is clearly much broader than merely to inhibit the publication by newspapers of news pertaining to the racing of horses. It contemplates the suppression of news pertaining to all contests of skill, speed, and endurance and seeks to impose such drastic restrictions and so to circumscribe reports of sporting contests as to make any newspaper that publishes sporting news liable to the drastic penalties incorporated in the proposed law. The proponents of these measures clearly are not as much interested in the suppression of gambling as they are of instituting a censorship of the press, which once begun can have no logical ending other than to make of all newspapers instruments for the furtherance of the tyranny of self-appointed regulators of private and public morals.

It may be questioned, and we do question, whether the Congress of the United States, or any other legislative body elsewhere in the world is under any mandate or authority whatsoever to regulate or to attempt to regulate the thought, the morals, the religion, the instincts, or the mode of living of any individual, Mankind enjoys, or should enjoy certain inherent rights and privileges that rise superior to executive mandate or legislative enactment.

We contend that Congress can no more legislate morality into the individual than it can legislate immorality out and that this contention is axiomatic is borne out by all history.

Ostensibly H. R. 6508, known as the Walsh bill, seeks to strengthen the lottery laws and to prevent betting upon the racing of horses. In reality, if enacted into law, it would debar from the United States mail any newspaper publishing information regarding any sporting contest or event. The language of the bill is unequivocal in that it states specifically that the publication of any news before or after the fact which would tend to give information upon which bets or wagers might be conditioned is illegal and in contravention of the law.

For example, the fact that Ohio State University defeated the University of Michigan at football, and the University of Michigan in turn defeated the University of Illinois certainly would be regarded by the gambler as an indication that Ohio State University would defeat the University of Illinois. The publication of results without reference to conditioning serves indisputably to guide the action of the man who gambles. Again, the fact that a Duesenberg car made 105 miles an hour in preliminary test night, and doubtless would,

be taken as an indication by the gambler that the Duesenberg would defeat the Stutz in actual contest on the following day. News of the conditioning of two boxers for a contest gives information to the gambler as to which will win the contest. News of the training of baseball teams in the springtime is taken as certain indication in many quarters of the outcome of a season's contest, and the injury of a player or players in baseball always is useful information to the gambler.

These illustrations are cited to show the far-reaching effects of the proposed law, the language of which is so clear and determinate as to leave no doubt of its meaning and application.

The absurdity of the proposed law, already clearly shown, is heightened and emphasized by the necessity that would immediately be laid upon Congress if it is to be consistent in legislation, to enact laws prohibiting the transmission or publication of stock-market quotations, bank clearings, or any other recurring sets of figures in which the general public is interested.

Laying aside entirely the tremendous speculation and actual gambling that is carried on through stock markets and brokerage houses, the disastrous moral effects of which are chronicled in the newspapers almost daily, we propose to show to this committee that there is actual commercialized and well-systematized gambling carried on by the use of these figures other than for dealing in stocks and commodities.

We submit for your examination and consideration an exhibit which we will designate "A," showing how New York stock market quotations are used for gambling purposes. The organization conducting this enterprise is located in the city of Pittsburgh, Pa. The method of operation is simple. Tickets are issued weekly bearing the names of 24 stocks quoted on the New York Stock Exchange. These stocks are numbered serially from 1 to 24. The ticket, when sold to a customer, bears in spaces provided therefor six numbers picked at random, No. 1 to No. 24, inclusive. The ticket also bears a serial number, which in this case is No. 6193. This number establishes the holder's identity. The other numbers appearing upon the exhibit are Nos. 1, 2, 6, 7, 9, 14. If the ticket had been as of this date its workings would be as follows:

No. 1 on the ticket is Allis Chalmers, the opening quotation of which was 37½. Disregarding the fraction, the holder of the ticket sets down the final figure of the opening quotation—7.

No. 2 on the ticket is American Locomotive, the opening quotation of which was 97½. Again he sets down No. 7 under the first figure.

No. 6 is Crucible Steel, the opening quotation of which was 63½. Again he sets down No. 3 under the two 7s previously set down.

No. 7 is General Electric, the opening quotation of which was 136½, and the 6 is set down under the 3.

No. 9 is Industrial Alcohol, the opening quotation of which was 65½, and 5 goes under the 6.

No. 14 is American Steel Foundry, the opening quotation of which is 33½, and the 3 goes into the column, which then is found to be 7, 7, 3, 6, 5, 3; total, 31.

Seven prizes are paid daily, four for the high scores and three for low scores. Upon the inclosed sporting pool winning sheet score it will be noted that the high ticket on that particular date was No. 27702, which had a total score of 49 and won a prize of \$905.20. The second tickets, Nos. 9917 and 11581, with 48, won the second prize of \$202.10. Third high tickets, Nos. 16373, 2261, and 22635, had a total score of 47, winning \$42.55. The fourth prize, won by tickets Nos. 17543, 41215, and 1897, with a total score of 46, won \$22.55. The low score of 7, held by ticket No. 15948, won a prize of \$202.80. The second low tickets, Nos. 21516 and 15387, with a score of 8, won \$47.20, and the third low tickets, Nos. 5250 and 3670, with a score of 9, won \$18.90.

Senator STERLING. How are these tickets acquired and how much do they cost?

Mr. WILEY. They cost 35 cents each, and they are supposedly delivered by couriers, personally traveling from one town to another, and by the employment of trained men traveling from one town to another. I may give you a little light on that later.

The committee will note also on the same sheet the names of the various winners on the date in question, showing that the scope of operation of this



gambling system is by no means confined to the city of Pittsburgh and its environs. These tickets cost the purchaser 35 cents a day and are widely distributed, possibly through the employment of trained men traveling from city to city. There is no evidence that the United States mails are used to transmit the actual tickets, although we believe that settlement is made through the mail. The scope of the operation, however, is disclosed in the fact that printed on the tickets is the explanation that scores will be decided by New York stock quotations as published in all daily papers, but in case of dispute the quotations in the Pittsburgh Press will be final.

Bank clearing figures as published by the newspapers of America are used similarly for organized and commercialized gambling. This form of gambling is of widespread prevalence. We submit herewith Exhibit B, which explains in more or less detail the method of operation.

Exhibit C is submitted also, showing how organized gambling is carried on in connection with the published daily baseball scores of the National and American Leagues and the American Association.

Exhibit D shows the use of pari-mutual betting in the case of the Dempsey-Carpenter contest at Jersey City last July.

(Exhibits A, B, C, and D, above referred to, are here printed, as follows:)

## EXHIBIT A.

## SPORTING POOL WINNING SHEET SCORE.

December 3, 1921. Possible high, 49; possible low, 6.  
Winners: High, 49, ticket No. 27702, \$905.20. Second, 48, ticket No. 9917-11581, \$202.10. Third, 47, ticket No. 16379-2261-26352, \$42.55. Fourth, 46, ticket No. 17543-41215-18974, \$22.55. Third low, 9, ticket No. 5259-36570, \$18.90. Second low, 8, ticket No. 21516-15387, \$47.30. Low score, 7, ticket No. 15943, \$202.50.

1-7. 2-8. 3-9. 4-5. 5-1. 6-5. 7-1. 8-6. 9-7. 10-2. 11-9.  
12-6. 13-8. 14-4. 15-2. 16-15. 17-3. 18-3. 19-7. 20-7. 21-0.  
22-3. 23-0. 24-3.

Subject to change without notice.

Vincent Altmyer, Second Pool Coal Co.; Geo. Dieninger, Willock; Frank Larson, Pressed Steel Car Co.; Walter Bissner, Chester; Jos. Manula, J. and L., Woodlawn; John Buchmann, Mesta Machine Co.; Frank Gill, P. V. C. Shops; Milton Runick, Dover; Joe Saline, Car Shop, Butler; Frank Unclub, Erie; John Miscovitch, Midland; Walter Fisher, N. Tube Co.; J. B. Henninger, W. Elizabeth; David Evans, J. B. Co., Cleveland, O.; Mrs. J. M. Shuterland, N. Braddock; Walter Lubrick, Wilkinsburg; F. Miller, J. and L., S. S.

Dec. 17, 1921.

## TICKET NO. 6139.—THE SPORTING STOCK POOL.

Seven prizes—First, second, third, fourth, and third low.  
The 24 numbers represent 24 of the different railroad and industrial stocks quoted by the New York Stock Exchange and the score is governed by the last figure in the opening quotation.

Fractions do not count, only the last figure in the opening quotation.  
No preferred stock will count. The score will be decided by New York Stock quotations as published in all daily papers, but in case of dispute the quotations in the Pittsburgh Press will be final.

One day pool—Saturday only. Ticket, 35 cents.

Stocks: 1, Allis-Chalmers; 2, Amer. Loco.; 3, Atchison; 4, Bald. Loco.; 5, Cent. Leather; 6, Crucible Steel; 7, Gen. Electric; 8, Anaconda; 9, Indus. Alco.; 10, Mex. Petrol.; 11, Mil. Steel; 12, Studenker; 13, Wm. Electric; 14, Am. Steel Fdry.; 15, Am. Tobacco; 16, Am. Sugar; 17, Nev. Copper; 18, Reading; 19, B. & O.; 20, Pressed Steel Car; 21, General Motors; 22, Lee Rubber; 23, Amer. Woolen; 24, U. S. Steel.

## NEW YORK STOCK EXCHANGE SALES, PRICES, AND CLOSING QUOTATIONS.

Dominick & Dominick, members New York Stock Exchange, Samuel E. E. Steue and William J. Howard, managers, Wiggins Block, Fifth and Vine, Cincinnati, Ohio.

Stocks.	Open.	High.	Low.	Close.	Sales.	Closing.	
						Bid.	Asked.
Advance Rumely.....	111	111	111	111	500	.....	.....
Albion Juneau.....	56	56	56	56	4,000	.....	.....
Allied Chemical.....	371	381	371	381	700	.....	.....
Allis-Chalmers Co.....	371	381	371	381	700	.....	.....
Adams Express.....	31	31	31	31	600	.....	.....
Am. Agri. Chemical.....	29	29	29	29	200	.....	.....
Am. Beet Sugar.....	13	13	13	13	700	.....	.....
Am. Can.....	145	146	145	146	300	.....	.....
Am. Zinc.....	121	131	121	131	500	.....	.....
Am. Car & Pdy Co.....	57	57	57	57	1,200	.....	.....
Am. Hide & Leather.....	74	75	74	75	400	.....	.....
Preferred.....	311	311	301	31	600	.....	.....
Am. Locomotive.....	991	991	991	991	1,000	.....	.....
Am. Locomotive.....	991	991	991	991	1,000	.....	.....
Am. Ship & Com.....	6	6	5	5	300	.....	.....
Am. Smelting.....	45	45	45	45	300	.....	.....
Preferred.....	89	89	89	89	300	.....	.....
Am. Int. Corp.....	391	391	391	391	1,000	.....	.....
Am. Steel Foundry.....	331	341	331	341	1,000	.....	.....
Am. Sugar.....	541	541	541	541	1,000	.....	.....
Am. Sumatra.....	311	311	311	311	300	.....	.....
Am. Tel. & Tel.....	111	116	111	116	1,200	.....	.....
Am. Tobacco.....	1321	1331	1321	1331	1,500	.....	.....
Am. Tobacco B.....	1291	1291	1291	1291	800	.....	.....
Anaconda.....	471	481	471	481	8,600	.....	.....
Am. Woolen.....	891	891	891	891	5,000	.....	.....
Atchison.....	891	891	891	891	850	.....	.....
Preferred.....	311	311	311	311	1,000	.....	.....
Atl. C. & W. I. S. S.....	191	201	191	201	3,100	.....	.....
Ajax Rubber.....	941	941	941	941	7,500	.....	.....
Baldwin Locomotive.....	331	361	331	361	2,200	.....	.....
Baltimore & Ohio.....	331	331	331	331	1,100	.....	.....
Preferred.....	58	58	58	58	8,100	.....	.....
Bethlehem Steel B.....	571	571	571	571	800	.....	.....
Brooklyn Rapid Transit.....	341	341	341	341	1,000	.....	.....
Bosch Magneto.....	171	181	171	181	1,200	.....	.....
Butte & Sup. Copper.....	691	691	691	691	1,900	.....	.....
California Packing.....	421	43	421	421	400	.....	.....
California Petroleum.....	1291	1291	1291	1291	2,700	.....	.....
Preferred.....	471	471	471	471	84	.....	.....
Canadian Pacific.....	341	341	341	341	3,900	.....	.....
Chandler Motor.....	301	301	301	301	7,000	.....	.....
Cerro de Pasco.....	341	341	341	341	400	.....	.....
Central Leather.....	561	561	561	561	500	.....	.....
Chesapeake & Ohio.....	561	561	561	561	400	.....	.....
Chi. Great Western.....	7	7	7	7	100	.....	.....
Preferred.....	191	201	191	201	3,100	.....	.....
Chi. Mil. & St. F.....	321	331	321	331	4,000	.....	.....
Preferred.....	68	68	68	68	1,000	.....	.....
Chi. & North Western.....	311	321	311	311	4,100	.....	.....
Chi. R. I. & Pac.....	271	271	271	271	1,400	.....	.....
C. C. & C. St. L.....	121	121	121	121	1,600	.....	.....
Chino Copper.....	391	401	391	401	7,000	.....	.....
Chi. Copper.....	42	42	41	41	800	.....	.....
Coca-Cola.....	641	641	641	641	2,300	.....	.....
Col. & South.....	3	3	3	3	32,000	.....	.....
Columbia & E. R.....	921	921	921	921	100	.....	.....
Columbia Graphophone.....	131	131	131	131	100	.....	.....
Consolidated Gas.....	71	71	71	71	1,200	.....	.....
Cuban-Am. Sugar.....	151	151	151	151	2,100	.....	.....
Cuba Cane Sugar.....	901	901	901	901	24,700	.....	.....
Preferred.....	108	110	108	110	600	.....	.....
Crocker Oil.....	341	341	341	341	2,100	.....	.....
Crucible Steel.....	631	631	631	631	3,100	.....	.....
Del. & Hudson.....	108	108	108	108	100	.....	.....
Deme Mines.....	191	191	191	191	300	.....	.....
Elkhorn.....	771	771	771	771	800	.....	.....
Easton-Johnson.....	111	111	111	111	4,700	.....	.....
Erie.....	161	161	161	161	1,600	.....	.....
First preferred.....	11	11	11	11	500	.....	.....
Second preferred.....	11	11	11	11	500	.....	.....

NEW YORK STOCK EXCHANGE SALES, PRICES, AND CLOSING QUOTATIONS—continued.

Stocks.	Open.	High.	Low.	Close.	Sales.	Closing.	
						Bid.	Asked.
Famous Players.....	74	74	73	73	4,400	73	73
Fluk Tire.....	104	11	104	11	1,500	104	11
Preopt-Texas.....	14	14	14	14	1,700		
General Appla's.....	64	64	64	63	5,700	63	66
General Electric Co.....	134	134	134	134	700	134	137
General Motors.....	11	11	10	11	3,700	10	11
Preferred.....	73	74	73	73	200	72	76
6 per cent deb.....	72			72	100	71	74
7 per cent deb.....	83			83	100	83	85
Goodrich, R. F.....	35	35	34	34	350	34	35
Granby.....	29	29	28	28	600		
Gr. Northern Ind.....	73	73	74	73		73	76
Gr. North. Ore subs.....	31	31	31	31	300	31	31
Greene-Con. Copper.....	27	27	27	27	500	27	28
Gulf States Steel.....	49	49	49	49	1,300	48	49
Haskell-Barker.....	80			80			
Houston Oil.....	78	78	77	77	500	78	78
Hupp Motor.....	12	12	11	11	700	11	11
Illinois Central.....	97	97	97	97	200		
Int. Agricul. prof.....	37	37	37	37	300		
Inspiration.....	38	38	38	38	5,500	39	39
Interboro Mfg. Co.....	11	11	11	11	1,200		
Preferred.....	31	31	31	31	1,400	31	32
Int. Harv. of N. J.....	82	15	15	15	1,400	15	15
Int. Mer. Marine.....	151	151	151	151	4,800	151	152
Preferred.....	63	64	62	64	260		
Int. Motors.....	53	53	52	52	500	52	52
Int. Paper.....	11	11	11	11	2,200	12	12
Int. Nickel.....	11	11	11	11	5,900	11	11
Invinible Oil.....	72	72	72	72	2,700		
Island Oil.....	23			23	900		
Kansas City South.....	24	24	23	23	4,800	23	23
Kelly-Springfield.....	42	42	41	41	800	40	41
Keystone Tire.....	11	11	10	10	800	10	11
Kennecott.....	23	23	23	23	8,100	23	23
Lackawanna Steel.....	43	47	43	46	4,200	46	46
Lohish Valley.....	56	59	58	58	2,900	58	59
Lee Rubber.....	28			28	600	28	29
Maryland Oil.....	20	20	20	20	200		
May Dept. Stores.....	99	99	98	98	1,900	99	99
Mexican Petroleum.....	112	113	112	112	7,700	112	113
Miami Copper.....	25	25	24	24	5,800	24	24
Middle States Oil.....	15	15	15	15	700		
M. & K. T.....	11	11	11	11	200		
Preferred.....	18	18	18	18	1,200	18	18
Missouri Pacific.....	49	49	48	48	14,000	49	49
Preferred.....	28	28	28	28	100	11	11
Midvale Steel.....	12			12	128		
National Acme.....	14	14	14	14	1,400	14	14
National Biscuit.....	73	74	73	73	1,400	73	74
Nevada Con. Copper.....	11	11	11	11	10,200	10	11
New York Central.....	21	22	21	21	4,300	21	22
N. Y. N. H. & H.....	12	12	12	12	970		
N. Y. Ont. & West.....	79	80	79	79	7,500	79	79
Norfolk & Western.....	44	44	44	44	700		
Northern Pacific.....	38	40	38	38	200	39	40
North American.....	27	27	27	27	300		
Preferred.....	3	3	3	3	1,100		
Owens Bottle.....	91	91	91	91	300		
Oklahoma Prod.....	45	45	45	45	6,800	45	45
Otis Steel.....	51	51	51	51	2,300	51	51
Pacific Oil.....	47	47	47	47	900	46	47
Pan American.....	33	33	33	33	14,300	33	33
Penn. Seaboard Steel.....	38	38	38	38	3,200		
Pere Marquette.....	22	22	21	21	300	21	22
People's Gas & Coke.....	31	31	31	31	100	31	32
Phillips Petroleum.....	31	31	31	31	700		
Philadelphia Co.....	12	12	11	11	5,000	11	11
Pier-Arrow.....	14	14	13	13	1,400	14	14
P. Lorillard.....	65	65	64	64	2,600	64	65
Pittsburgh Coal Co.....	63	63	63	63	600		
Pressed Steel Car.....	108	108	108	108	1,000		
Pullman Palace Car.....	30	30	30	30	100		
Punta Alegre Sugar.....	14	14	14	14	1,900		
Pure Oil.....	38	38	37	37	300		
Ray Con. Copper.....	14	14	14	14			

NEW YORK STOCK EXCHANGE SALES, PRICES, AND CLOSING QUOTATIONS—continued.

Stocks.	Open.	High.	Low.	Close.	Sales.	Closing.	
						Bid.	Asked.
Reading.....	71	71	70	71	4,800	71	71
Republic Iron & Steel.....	52	54	52	53	4,000	53	53
Royal Dutch N. Y.....	46	46	46	46	4,800	46	46
Sugar Oil.....	22	22	21	21	6,900	21	21
St. Louis Southwestern.....	22	22	21	21	600		
St. Louis & San Fran.....	50	50	50	50	4,500	50	50
Sears-Roebuck.....	38	38	38	38	300		
Shel. Tr. and Tr.....	39	39	39	39	8,000	39	39
Shoe-Shuff. Steel & Iron.....	79	79	79	79	300		
Southern Pacific.....	24	24	24	24	100		
Stromberg Carlsrud.....	79	79	79	79	15,600	79	80
Stewart-Warner.....	24	24	24	24	100		
Studebaker.....	18	18	18	18	1,400	18	19
Southern R. R.....	45	45	45	45	300	45	45
Preferred.....	18	18	18	18	1,400	18	19
Standard Oil of N. J.....	18	18	18	18	13,700	18	18
Preferred.....	112	112	112	112	112	112	112
Tennessee Copper.....	23	23	23	23	1,600		
Texas & Pacific.....	28	28	28	28	1,400		
Texas P. C. and C.....	58	58	58	58	1,400	59	59
Tobacco Products.....	45	45	45	45	200		
Texas Company.....	10	10	10	10	4,700	10	10
Transcontinental Oil.....	63			63	100		
Union Bag & Paper.....	71	71	70	71	120		
Union Pacific.....	18	19	18	19	700	71	71
Preferred.....	68	68	68	68	190	104	104
United Drug.....	122	122	122	122	300		
United Fruit.....	10	10	10	10	3,500	10	10
United Real Estate.....	17	17	17	17	300	17	17
U. S. C. I. F. & V. Fdry.....	89	89	88	88	6,300	88	88
U. S. Ind. Alcohol.....	32	32	32	32	300	32	32
U. S. Rubber.....	89	89	88	88	8,300	88	88
U. S. Steel.....	113	113	112	112	300	112	113
Preferred.....	61	61	61	61	8,400	61	62
Utah Copper.....	31	33	31	32	1,400	32	32
Vanadium.....	29			29			
Virginia-Carolina Ch.....	7	7	7	7	2,600	7	7
Wabash.....	21	21	21	21	400	21	21
Preferred A.....	13	13	13	13	200	13	14
Preferred B.....	81	82	81	81	92	900	
Western Union Tel.....	49	49	49	49	400	49	49
Westinghouse Mfg.....	43	43	43	43	200	43	43
Worthington Pump.....	28	29	28	29	200	28	29
White Motor.....	39	39	39	39	2,300		
White Oil.....	12	12	11	11	2,300	11	11
Willis-Overland.....	51			51	1,200		
Preferred.....	30	30	30	30	100		
Wheeling & Lake Erie.....	91			91	800		
Wright Aero.....	91			91	300		

Total sales, 908,900 shares. Ex dividends to-day: 130 cents; \$43.00.

## EXHIBIT B.

DECEMBER 12, 1921.

Mr. WILEY:

I regret to say that I was unable to obtain a copy of the Pittsburgh Sporting Club, a publication that is now being sold in a private way, making it a difficult matter to secure a copy.

However, from what I was told, this publication features various sporting propositions. One of the plans is a clearance house guessing contest. Tickets are sold serially for illustration: The holder of one of these tickets happens to have the first three or four opening and closing numbers corresponding to the clearance figures receives two prizes. If the first three of four numbers



only, correspond with the clearance figures, one prize is awarded, and the same way with the last three or four.

This clearance house contest is operated during the winter months only. During the summer months the Pittsburgh publication conducts a baseball pool contest.

I am attaching a coupon that I obtained showing that it is called the Three-Way World Series Contest. You will note 2N, 4N, 3A—which means two National games, four National games, and three American games. The holder of this coupon, in order to obtain a prize must have the Nationals win six games and the Americans three, in which case he wins a double prize. However, if the Nationals win the first two games and the Americans the next, he would only be entitled to one prize. That is why it is called a three-way world series scheme.

The other contest that is being operated very extensively in almost every city, is the stock-market contest. Tickets are sold for 35 cents and there are seven prizes—four large ones and three smaller. The plan of this contest is as follows: There are 14 stocks selected from the entire list and alphabetically arranged. Each ticket has, for example, the following numbers 1, 2, 3, 4, 9, 10. The closing number if it should end in an 0 in the majority of the stocks, the holder of this ticket is awarded the capital prize of \$500. The possessor of the ticket, if it happens to be 1, 2, or 3 is awarded the next three highest cash prizes. The next three numbers receives the lesser amounts of cash prizes. In case there are fractions quoted at the end of each closing price it is not counted.

The Pittsburgh Press is the official newspaper used for stock quotations.

Yours, truly,

D. BROWN, Circulation Department.

#### BANK CLEARANCE.

Books containing 16 coupons are sold at \$4, or 25 cents for a single coupon. Each coupon has four figures on it and is good for one week. For example, a coupon with the following figures 1, 2, 3, 4. If the bank clearance on Monday would be 9,221,234, the holder of that coupon would win the first prize of \$35 on that day. You will notice that the numbers 1, 2, 3, and 4 are the closing numbers on the clearance for that day. If on any other day during the week the clearance close with 1, 2, 3, and 4, holder of coupon wins \$35 each time these numbers appear.

On Saturday, the last day of the week, the clearances for the entire week are added together and if the last figures end with 1, 2, 3, and 4, the holder of the coupon wins what is known as the capital prize of \$100.

(The tickets and coupons referred to are on file with the committee.)

The local money market remained firm. The demand from commercial sources was only fair, with the country still a good borrower. There was no change in the local rate, with the range from 6 to 7 per cent.

Bank clearings for the day were \$7,805,111 as compared with \$9,410,004 the Friday previous.

#### BANK CLEARINGS.

[Special Dispatch to the Enquirer.]

NEW YORK, December 9.

Bank clearings in the United States for the week ending December 8, as reported to Bradstreet's Journal, New York, aggregate \$0,900,000,000 against \$7,473,588,000 last week and \$7,228,292,000 in this week last year. Canadian clearings aggregate \$314,445,000 as against \$250,481,000 last week and \$358,758,000 in this week last year. Following are the returns for this week, with percentages of change from this week last year:

Cities.	Clearings.	In-crease.	De-crease.	Cities.	Clearings.	In-crease.	De-crease.
New York.....	\$4,208,000,000	.....	0.1	Seattle.....	\$32,467,000	0.3	.....
Chicago.....	327,900,000	.....	5.8	St. Paul.....	16,078,000	.....	16.6
Philadelphia.....	444,000,000	1.8	.....	Denver.....	30,367,000	.....	18.7
Boston.....	290,000,000	.....	3.2	Portland, Oreg.....	28,752,000	.....	19.5
St. Louis.....	138,300,000	.....	2	Roseton.....	23,994,000	.....	21.1
Kansas City.....	125,567,000	.....	25.5	Indianapolis.....	16,551,000	.....	1.2
San Francisco.....	140,300,000	.....	4.2	St. Joseph.....	9,282,000	.....	19.2
Cleveland.....	78,325,000	.....	32.7	Salt Lake City.....	16,286,000	.....	14.2
Detroit.....	86,213,000	.....	6.4	Columbus.....	12,753,000	.....	3.2
Cincinnati.....	62,783,000	.....	14.4	Fort Worth.....	22,511,000	18.4	.....
Minneapolis.....	60,532,000	.....	29.0	Washington, D. C.....	11,606,000	.....	19.1
New Orleans.....	42,256,000	.....	17.8	Memphis.....	21,235,000	8.7	.....
Omaha.....	30,632,000	.....	20.4	Tulsa.....	16,775,000	.....	18.3
Milwaukee.....	29,807,000	.....	1.9	Nashville.....	8,866,000	.....	31.3
Albany.....	22,224,000	.....	20.4	Calverton.....	14,980,000	.....	14.7
Albany.....	25,968,000	.....	1.1	Oakland.....	5,721,000	.....	36.2
Richmond.....	35,705,000	.....	2.7	Akron.....	.....	.....	.....
Buffalo.....	37,336,000	.....	6.2	.....	.....	.....	.....

#### EXHIBIT C.

(On file with the committee.)

#### EXHIBIT D.

DEMPSEY-CARPENTIER PARI MUTUEL.

A jack pot on the big fight. Everything goes into the pot and the total is divided equally among all tickets bearing winner and winning round. Pick your man and the round in which you think he will win. In case of a draw all tickets bearing round in which fight is decided win an equal amount (regardless of fighter's name). Governed by decision of the New York Morning Telegraph. One dollar.

It is to be noted that gambling, therefore, on a very extended scale, is predicated day by day upon the legitimate business and sporting news carried to millions of readers throughout the United States by American newspapers. These schemes were not devised by newspaper publishers, and in few instances are newspaper publishers aware of the existence of gambling in this form. They did not create nor do they seek to promote their perpetration, but they do insist emphatically that a perversion of their legitimate business by dissipated individuals in whom they have no interest must not be permitted to influence the Congress of the United States to attempt to subvert the constitutional guaranty of an untroubled press.

Senator STERLING. Do you think, Mr. Wiley, that that would in any way prevent your publishing stock-market quotations?

Mr. WILEY. If Congress is to be consistent; yes, Mr. Chairman.

Senator STERLING. The fact that a man gambles on the quotations on the stock market should not in any sense prohibit the newspapers carrying quotations from going through the mails. It seems to me that this is something that is an evil in itself, and the principle of that illustration you gave seems to me to be the lottery principle.

Mr. WILEY. It is being carried on in spite of the United States laws prohibiting the transmission of such matter through the mails. It is being carried on in spite of the lottery laws of the United States.

We contend that if this bill were passed you would not stop gambling, and I want to make the further point that Congress must differentiate as to gambling if it stops the publication of sporting news and does not stop the transmission or publication of news, the disastrous moral and physical effect of which is infinitely greater than any disaster that is brought about through gambling on a sporting basis.

There is no evidence that the promoters and controllers of the commercialized gambling hitherto mentioned make any use of the United States mails for the furtherance of their business. It is altogether likely, however, that in some degree the United States mails are so used. It is quite certain that for the greater part the transmission of their advertising matter, tickets, money, etc.,

is accomplished by private couriers traveling by train, boat, and automobile. The manifest impossibility of preventing the carrying on of gambling schemes on a large scale by such methods is so evident as to need no explanation. Every man would have to become his brother's keeper; or, in other words, one-half of the population of the United States would have to be constituted policemen to watch the other half.

The prohibition law has not functioned as it should because of lack of funds to employ a sufficient number of prohibition officers. Has the Congress of the United States contemplated the number of enforcement officers that would be required to prevent gambling or speculation?

We make no defense of gambling. We believe with the distinguished clerical proponents of this measure that it is a pernicious and demoralizing practice. We are not blind to the fact, however, that the gambling instinct is contemporaneous with the human race. There is no history, sacred or secular, that does not confirm this fact. The desire to gamble or speculate is inherent, though more pronounced in some individuals than in others, and yet no individual ever lived who did not in some way, at some time, gamble or speculate. The newspapers of America were not the creators of this instinct and they assume no responsibility for it. They can not eradicate the lust not any more than the Congress extirpate it from the citizenship of this Republic.

If all the potentialities of gambling are to be removed in order to uplift and purify the people of this Nation, then Congress, to be consistent, must legislate against the manufacture, sale, or ownership of playing cards, dice, dominoes, put and take tops, checker and chess boards, roulette outfits, and even the humble tiddledywinks layouts. All of these are used constantly and almost universally for gambling purposes. They are, indeed, the most potent instruments for gambling. This committee and the Members of this Congress must realize the utter futility of attempting legislation on such a scale.

The founders of the Republic wisely ordained that certain functions of Government should be left to the States. Palpably the control and restriction of gambling is one of these functions. There are statutes in every State of the Union against gambling, and in most of the States against the running of race horses. Even in this there is no consistency, because in every State and county State fair meetings are held at which there are such contests of speed and endurance. It has been represented to this committee that there is no gambling on harnessed horse racing. This statement is at absolute variance with the facts. On the grand circuit, so called, comprising among others the city of Hartford, Conn., Cleveland, Ohio, and Columbus, Ohio, and notably at Cleveland, pari mutuel pools are sold openly on the heats of every race. There pari mutuel machines are not used, the old style of gambling through bookmakers is still in vogue. There is open gambling at every county-fair race that is held.

This measure is designed to be the corner stone of a censorship wall to inclose and strangle the press of America. If it be possible to prevent the American newspapers from publishing legitimate sporting news, legitimate business news, which, unhappily, may be used for gambling purposes, then the ardent reformer, wearing the robe of Cotton Mather and all the bigoted intolerants from the dawn of time, will quickly be knocking at the doors of Congress for the suppression of the publication of suicides, murder, infidelity, and divorce, because, forsooth, the publication of such facts is suggestive and deleterious to public morals.

This latest effort to prevent free expression is an age-old fight. It had its beginning in the dim dark days when tyranny was rule, when kings could do no wrong, and when he who temerarily raised his voice in complaint or criticism of those occupying the seats of the mighty paid for such indiscretion with his life.

Six centuries after the charter of human rights had been wrested from the hands of John on the field of Runnymede, to be followed by the flowering of human knowledge, the hand of repression was again raised against the freedom of speech and criticism under Charles the First of England. Arose then John Milton, champion of liberty, master logician and thinker, who, from out a zone of eternal night, hurled into the teeth of the suppressionists his Areopagitica, an unanswered and unanswerable defense of freedom of speech and the right to publish.

The condition faced by the press of America to-day is in no wise unlike conditions under Charles the First. Attempt is being made to Russiandize and destroy the most potent agency known to the world for the dissemination of

enlightenment and for the advancement of civilization, the American press. Surely in this Congress there is more than one John Milton impressed with a knowledge of the imperative importance of preserving this great agency, than which there is none greater, unfettered, untrammelled, and free, for the continued enlightenment and advancement of the Nation.

Senator STERLING. Are there any questions? If there are no questions, who is your next witness?

Mr. THOMASON. The last witness we will have is Col. McCormick, of the Chicago Tribune.

#### STATEMENT OF MR. ROBERT R. MCCORMICK, REPRESENTING THE CHICAGO TRIBUNE.

Mr. McCormick. I will not detain you long, gentlemen.

I wish to answer one of your questions, Senator Sterling, regarding sending obscene matter through the mails. Freedom of the press is not absolute, and excepted from this freedom according to the recognized law are the following: Obscenity, blasphemy, sedition, treason, and libel. So that, therefore, there can be no argument to the effect that freedom of the press presumes the right to print obscene matter; despite the fact that, as Senator Borah has pointed out, a great deal of obscene matter has been printed, and that by governmental authority, and I must say by religious authority. The Faery Queen was printed as a religious argument, although it is exceedingly obscene; and all the works of Shakespeare were printed under license of the Queen, and all the obscene works of the time of Charles the Second under license of the King.

I wish merely to say a few words regarding the constitutional provision guaranteeing the freedom of the press, having studied that question now for somewhat over a year and having read every authority which I could read. In the last 100 years there is nothing on the subject in the recorded cases, and very little in modern literature, for the reason that the freedom of the press was guaranteed in the first article of the Bill of Rights, thereby bringing to an end all those oppressions which have made history.

Freedom of the press is not a privilege of owners of newspapers or of printers of newspapers, nor is it a privilege of printers. It is a general right found necessary to the freedom of the people, and is the last of the freedoms extorted by the people from a variety of rulers.

Prior to my studies in connection with a recent lawsuit, I had carried indefinite in my mind that oppression meant, generally, George the Third against the Colonies and Charles the First against England. In reading through the many books necessary to prepare our argument, I found that, on the contrary, the struggle for human freedom was as wide as the world, and the restrictors of human freedom included every known authority; primarily among these, of course, the Charleses of England and Louis XIV of France, whose invasion of all liberties included torture, the gallows, and the ax.

But such horrors were not confined to autocratic sovereigns. When the parties obtained control of the English Government they were just as violent, just as bloody, just as unjust. The Tories and the Whigs during the reign of Charles II, by misuse of the courts, cut off the heads of political opponents, cut off the ears and tore out the tongues of orators and editors; and the churches, when they were in absolute ascendancy, at times carried on exactly the same course of suppression, the Catholic Church in France, the Church of England in England, the Presbyterian Church in Scotland, and the Puritans in New England.

It was from such oppression that a great part of our forefathers came to this country, and it was because of such oppression.

We can therefore see why the States of the Union refused to ratify the Constitution without the inclusion of the Bill of Rights, which is the greatest document ever written by the pen of man, and of which the first section is the greatest part. Why an absolutely free press is indispensable to the freedom of mankind I will not pretend to argue, but the evolution or civilization brought it about in the year 1788, after which, in this country, we find no further horrors. Revolution brought it about in France; and gradually it came to pass, or has just come to pass, in the British Isles.

As to this particular bill, the paper which I represent has no direct interest. If anything, it would benefit us, because we do not print the kind of news which is supposed to be objectionable, and we might regain some circulation from other papers which do.

Personally, it has no interest to me, because I do not gamble in any form whatever, even to watching for lunch.

Senator BORAH. Mr. McCormick, may I make a suggestion there?

Mr. McCormick, Senator BORAH, yes.

Senator BORAH. If I may make a suggestion, to those of us who have been here some time this bill is merely a symptom of the constant building up of a bureaucratic system of government at Washington. There is scarcely any industry now, of any kind, but what is being brought under the control of some bureau here in Washington. There is nothing distinct about this particular measure, nor section 5, from that which may be found in many bills, and here about six months ago I collated a number of bills which are now pending for the purpose of bringing still further under control of bureaus the business interests of the country. We are building up a bureaucratic system of government.

I know, for instance, my friend who has just read a very able paper here is not a believer in the soviet form of government, from an editorial which I read last week, but that is what we are building here.

I am not going to suggest to the newspapers, of course, what their duty is; but unless we stop this building up of a bureaucratic form of government in general, your business will come under it just as certainly as this goes on. There is scarcely any line of business now but what has to report to Washington to some bureau. There is scarcely any business but what is in a strait-jacket; and they send out requests for all sorts of information to see how they are running their business, and so forth. It is burying the people under a burden of taxes, and at the same time destroying the initiative, that which has distinguished the American citizen from almost all other men of the modern world. And the fight has to be made against the constant increase of bureaucracy as a whole; otherwise, you people will come under it just the same as the rest of us.

Mr. McCormick. I am very much obliged to you for saying that, Senator BORAH, because—

Senator STANLEY. I do not want to interrupt your private conversation with Mr. McCormick, but in discussing this matter, Senator, though without pretending to equal the force and clearness of your language, I expressed exactly the same idea.

Mr. McCormick. That is what brings me down here. I want to conclude by referring to the various war-time regulations of the press. Concerning that I know very little. I was not here. But I came home immediately after the cessation of hostilities, and the newspaper which I represent at this hearing felt obliged to take a very strong stand on certain political questions, a stand directly opposite to that of the administration, and while I would not wish to infer that any direct threats, or even any indirect threats, were received in our editorial offices, we felt under the sword of Damocles during the whole fight until the war-time laws were repealed. I want to say, by way of illustration, that we had bills for injunction drawn and waiting, addressed to every possible court of jurisdiction, including the Supreme Court of the United States, in case we might have to use them.

There is a method of political coercion very common in cities upon whatever class of citizens can be reached. It is the policy of "getting something on" one, whether he be a peddler or a real estate owner or a man who has a factory chimney to smoke, and the process is to let this go on until four or five good counts are obtained against him, and then a reckoning will be had at the next election. Our suggestion is that in regard to any laws regulating the newspapers, and many of them may seem trivial, or may pass by the watchful eye of a night editor, and in effect it is always possible that an agent of the Department of Justice may drop in and suggest what the newspaper's policy should be in the next campaign. I want to give just one illustration to show how easily that could be done. We have in the newspapers a want ad column, of small advertisements, used for many different purposes, and they can be used for communications, especially by cipher. I have known of many cases where they have been used by cipher. This information might be embodied in a cipher, printed in one of these advertisements, and deposited in the mail, and that fact automatically exclude a newspaper from the use of the mail. You might suggest that we close our columns to all want ads, and thereby avoid that danger, and so we could, but it so happens that the column most frequently used for cipher messages is the situation wanted column, for the reason that that column is always the lowest priced column, and in our news-

paper is carried at cost or less than cost; so that if we stopped cipher messages in our newspaper, we would stop all efforts of people to obtain employment.

Gentlemen, I may be unduly sensitive, having been through, now, two very hard fought battles to suppress my newspaper by legal methods, I may be seeing things that do not exist, but I sincerely hope that great discrimination will be used in legislation which may start the clock backward and land us back and take away from us the guarantees of the Bill of Rights. Human nature can not have changed very much in 150 years, and if we should go back beyond that sacred document, there is no guaranty that we would not go back to the horrors which it terminated.

Senator STERLING. May I ask you a question there?

Mr. McCormick. Yes, sir.

Senator STERLING. In regard to racing, have you in Illinois an anti-horse racing law?

Mr. McCormick. I do not believe so. I do not know. I have never been to a horse race in Illinois. I could not tell you.

Senator STERLING. Your State law, I suppose, prohibits race-track gambling?

Mr. DINSMORE. If I may answer that, I would like to say that races are not prohibited in Illinois, and that many races are held; that races are held at county fairs all over the State and race meets are held elsewhere; but gambling on race tracks there was stopped a good many years ago by injunction.

Senator BORAH. Is there any statute on the statute books?

Mr. DINSMORE. I do not know. I could not reply as to that.

Senator STANLEY. I did not understand your question, Senator.

Senator BORAH. I asked if there was any penal law, any law making it a criminal offense. How many States are there, Senator Stanley, which permit gambling on horse racing?

Senator STANLEY. There are three—Kentucky, Nevada and Maryland—as I understand it.

Mr. DINSMORE. And Nebraska.

Senator STANLEY. Nebraska simply allows the pari mutuel.

What I started to say was, I think those three States have racing commissions.

Mr. DAY. Yes; they have racing commissions.

Senator STANLEY. And in a way authorize wagers upon the tracks under certain conditions. That is about the only difference. The difference between the gambling in other States and in these States is that there is a State commission there, and an act specifically authorizing wagers on the tracks, and under certain conditions and safeguards. The only difference between the people that bet in Kentucky and the people that bet elsewhere is that if you put your money up on a race track in Kentucky it is pro rata, absolutely, among the bettors, with the exception of 3 or 4 per cent that goes to the association; but if you go across the river into Illinois or into Ohio, the old system of pools prevails, and bookmaking, and the professional gambler makes the odds and they are heavily against the bettor. The gamblers make about ten times the profit, where gambling is prohibited, under the present system prohibiting it, that they do where it is alleged it is permitted.

These States do not authorize gambling; they prevent the presence of the bookmaker; and as they do in France, they force a fair distribution among the people that make the bets, and prevent the general public from being scalped by the bookmakers, who know all about the horses and who understand the juggling of odds. But what does it matter about all that? What I mean is that this bill is not designed to regulate this practice, but it is designed to regulate public speech on the subject of the practice.

Senator STERLING. It matters to this extent, I think, Senator Stanley. If horse-race gambling as it is usually carried on through bookmaking, and other methods that have been described here, is wrong, if it is demoralizing and it is a bad thing, the simple question so far as section 5 of this bill is concerned is, in my mind, as to whether or not newspapers should be allowed to publish advice or suggestions as to how bets or wagers should be made. That is the only question. So far as the publishing of the result of a horse race is concerned, I would be opposed to any provisions in this bill that would prevent that. It comes right down to that one question, as to whether advice or anything by way of advice or suggestion as to how to bet upon a race, should be prevented from going through the mails.

Senator STANLEY. That is exactly the point, that you propose to give to this bureau, to some unknown underlying down here in the Post Office Department, the right to tell the newspapers how they shall talk about public games and sports. What difference does it make?

Senator STERLING. You have got to give somebody an authority, and I do not believe there is any complaint on the part of the people of the United States that obscene literature is barred from the mails, nor do I believe there is any complaint because lottery tickets or advertisements are barred from the mails. Nor do I think there is any complaint, but on the other hand, I think the people believe it to be a wholesome law, that matter intended for the purpose of promoting frauds or fraudulent schemes is barred from the mails.

Senator STANLEY. I am not controverting that proposition.

Senator BORAH. I agree with you, Senator Sterling, that these things should be stopped, but I am utterly opposed to some man here in Washington saying in his discretion what should be done. The basis of a free government is to have a law that applies equally to all people, and not leave the power of the law in somebody's discretion. This should continue to be a Government of law and not of men.

Senator STERLING. I would not commit myself to section 5 of this bill, but I think it would be wise to consider an amendment such as you submitted to the antitrust bill, allowing an appeal from the decision of the Postmaster General to a court.

Mr. THOMASON. May I cite one instance in the Chicago Tribune?

Senator STERLING. Yes.

Mr. THOMASON. We were tendered an advertisement of a window-dressing contest by a large manufacturer of food products. This window-dressing contest was designed to offer a prize to the man who would make the best window display of those food products. Obviously the purpose was to get those food products into the display windows of food sellers, a perfectly legitimate method for the advertiser. A prize of \$1,000 was to be given. We were notified by the Post Office Department, when we tendered our papers for mailing, that that advertisement had been excluded because it constituted a lottery. We learned that an Assistant Postmaster General had actually, in the case of the Munsey Corporation here in the East, ruled that a similar enterprise constituted a lottery because there would be so many entries in the scheme that the element of chance would have to enter into the awarding of the prize, and therefore it could not be a contest of skill, and therefore it could not go through the mails, and we had to use all our persuasive efforts to get our papers mailed that night.

Senator STERLING. I think, of course, you may be subjected sometimes to annoying and autocratic rulings on the part of the Postmaster General or his assistants.

Mr. OXNARD. Mr. Chairman, may I have three minutes?

Senator STERLING. Yes, sir.

#### STATEMENT OF MR. HENRY C. OXNARD—Resumed.

Mr. OXNARD. I want to represent the million people that I have not heard represented, that want this very news in the newspapers, that want this information, that would like to have it, who enjoy horse racing and betting on horse racing; not necessarily gamblers, but men that like, throughout the summer months, to see the race horses, and race them. I do not bet on horse races except when I am at the track, and very little when I am there, but I like to bet on them, as I like to play a game of cards. There are 1,000,000 people like myself that want the news that these gentlemen would prohibit. I remember as a boy that my father cared nothing about baseball. The newspapers came in with a good deal of baseball in them, and that was all I cared about. My mother liked to have the church news. My father kept changing the papers, but he never found one that I could not get some enjoyment out of. I do not want all the joy taken out of my life, and I sincerely hope this bill will not pass. [Laughter.]

Senator STERLING. Is there anything else?

Mr. PRINGLE. Mr. Chairman, it was arranged that the proponents of this bill would have a few minutes.

Senator STERLING. How much time do you want?

Mr. PRINGLE. Twelve or 15 minutes will be ample.

Senator STERLING. Do you want to go ahead now?

Mr. PRINGLE. Will that complete the hearings?

Senator STERLING. Yes.

Mr. PRINGLE. I think 12 minutes will be sufficient.

Senator STERLING. Very well, proceed.

#### STATEMENT OF MR. H. N. PRINGLE, ASSISTANT SUPERINTENDENT OF THE INTERNATIONAL REFORM BUREAU, WASHINGTON, D. C.

Mr. PRINGLE. The gentlemen who have championed the Constitution gave us an able presentation, which has been instructive to us, and their sincerity has been apparent as they have spoken—Messrs. Stanley and Borah. Then there have appeared gentlemen of the press who are high minded, and we certainly have been impressed by their sincere good citizenship, and the outspoken remarks by most of them that they are opposed to gambling; that they do not stand for that thing. And there have not been, to our surprise, any proponents of the bill of the kind that we understood were to be here, and we know what their position is. At the previous hearings they were present.

All those who have spoken have said that they are not for gambling. They say they are not, and we believe what they say, and they are not with the proponents of this bill.

There are a few points that have been brought up here that seem to me to deserve a word of reply. One is in regard to this drastic penalty, \$5,000 and five years in the penitentiary. That was put in by the wisdom of Representative Walsh, whom I never had the pleasure of meeting, who drafted this bill. But a judge like our magistrates are, under that, may put a penalty of only \$1 on a defendant who is found guilty and deserves a very light punishment. The penalizing to-day is left to the court, and as any court may do under the law, they may suspend or put on probation.

Reference has been made here to racing. That term has occurred over and over. What is racing? It was stated at the previous hearings by men who spoke against this bill that racing meant the 18 tracks in the three States mentioned, and the two tracks that were of questionable legitimacy as to their better operations, the one at New Orleans and the one in New York. The one at Hot Springs closed up, and the one at Cheyenne, Wyo., is closed.

I put some days' work on this map to show a part of racing that has never come to any hearing in defense of race-track gambling [producing map]. Every dot on that map is correctly located, showing where there was racing in 1920 at race tracks. Notice that there are two kinds of race tracks, the trotting and the running tracks. The trotting tracks are fifty-one times as numerous as this little group of jockey-club running races. In 1920, in the American Racing Association, the National Trotting Association, the Union Trotting Association, and the Northern Trotting Association, there were 622 trotting race tracks. They were fifty-one times as numerous as the running races. The trotting tracks forbid gambling. We challenge anyone here—and I hope some one will take it up—to name 1 per cent of those tracks where there has been tolerated gambling by pari mutuels or bookmaking. There are some. I know of five or six and I assume there must be some more. But the policy is, with rare exceptions, to spend a great amount of money for constables and special officers to stop gambling on the tracks. These little scores with black around the middle are closed by antgambling laws of States.

The question is not whether Congress shall assist States in enforcing those antbetting laws. Question has been raised about Nebraska. It is true that there was a law put through in 1921 in Nebraska which was designed to permit race-track gambling in that State. But there never has been a track open for any betting under that law. But in 3 States it is legalized and operating and in 45 States it is outlawed. The question is not of helping those 45 States to enforce their laws, like New Jersey, where they have a law, passed in 1898, prohibiting race-track gambling.

But what can they do? Newspapers come into the State with this promoted gambling information inciting citizens to engage in gambling. In 45 States the Federal Government, Uncle Sam, is obliged to act as the errand boy for these gamblers who are taking in this news by the telegraph and the telephone, which enables them to settle what the odds were—bet on that game. Nobody is opposed to having the papers announce what horses won. But I mean the papers publish what the odds were, so that in the future books they can settle the bets. When the bets are laid they do not know what is going to be paid. The question is whether the United States is going to leave its law at the level of the States of Kentucky, Maryland, and Nevada. All the 48 States have laws against pool rooms and handbooks. It is not a question of whether the Federal Government is going to assist the States in trying to stop all gambling, but whether the United States is going to take an honorable and logical attitude regarding promoted vice.

Mr. DAY. May I ask the gentleman a question?

Senator STERLING. Yes.

Mr. DAY. Did I understand you to say that there was not 1 per cent of those 900 race tracks where they allowed letting?

Mr. PRINGLE. That I know of, I said. I said perhaps somebody might know of more besides those I know.

Mr. DAY. How do you know? Have you been to all those 932 tracks?

Mr. PRINGLE. No; but I have been to a number in the various States, so that I believe my conclusion is approximately correct.

Mr. DINSMORE. May I ask, specifically, how many trotting meetings you have personally attended in the last five years?

Mr. PRINGLE. I have attended 30; perhaps more than that.

Mr. DAY. In how many States?

Mr. PRINGLE. Virginia, Louisiana, Kentucky, every one of the New England States, Pennsylvania, New York, Maryland, and West Virginia.

Mr. CARROLL. Did you attend any one of the 121? Did you ever attend any one of them and find a single one that did not have betting on it?

Mr. PRINGLE. All of the 121?

Mr. CARROLL. Out of the 121 trotting and racing meetings in the State of Ohio did you ever find one?

Mr. PRINGLE. I am aware that at one or two places there was gambling, but the sheriff took about 50 deputies with him down there and cleaned them up. That was stopped; just as the former Vice President of the United States sent down 100 men with bayonets to the track at Porter and stopped it there. And I can cite other cases where there have been armed men called out to stop it.

My challenge was to name one in that number, to name one jockey-club track of the 18 in the United States in the last 20 years which has not had promoted gambling, oral or with writing, or pari-mutuel, or which has not shown that such gambling was the principal thing rather than the thoroughbred, by closing its gates and keeping them shut, when an anti-gambling law went into force. We know that there passed through the pari-mutuel machines at these race meets \$38,000,000, and it has been recently estimated that \$64,000,000 were bet at the regular meets of these jockey clubs, and 10 per cent of that is \$6,400,000, which is what they took in one year in the spring and fall meets.

Mr. DAY. Where do you get that 10 per cent? You might as well confine yourself to facts.

The gentleman has made so many misstatements and garbled statements that I would like to ask him a few questions under oath, Mr. Chairman.

Senator STERLING. If you think he has made misstatements or garbled statements you may take the stand and contradict him.

Mr. DAY. All right. He just stated that they took off 10 per cent in Maryland. They are allowed 5 per cent, and then there is the deduction of a few cents on the dollar, and it never goes to more than 6 per cent.

Mr. PRINGLE. I think it was previously a larger per cent, was it not?

Senator BORAH. I did not exactly understand Mr. Pringle.

Mr. PRINGLE. I stand on my statement, and I have the figures here, that the take-off runs from 5 to 10 per cent. By State law this runs from 5 to 10 per cent.

Senator STANLEY. I know that they passed an act prohibiting these tracks from making more than 10 per cent, and all the rest goes to the State. All that money goes to the State.

Mr. PRINGLE. Some of these organizations have increased the amount of their stock from \$10,000 to \$600,000, without any more money being paid by the stockholders, simply from the earnings; so that when they pay 5 per cent they are in reality paying 300 per cent on the original investment, to which no money has been added except from earnings.

Senator STERLING. Is that all?

Mr. PRINGLE. Yes, sir.

#### STATEMENT OF REV. WILLIAM SHEAFE CHASE—Resumed.

Mr. CHASE. I wanted to make a brief reply, meeting Senator Borah's position, and somewhat, I believe, Mr. McCormick's.

In the old days power abode in the hands of the king and the bishop. They were the possessors of political power, and they misused that power by ex-

plotting the weaknesses of people and refusing to give people their rights and liberty. Liberty was won for the people by taking it from the autocrat, the despot, the king.

In this land, when we did away with kings and established democratic forms of government, we put power into the possession of the people, and all our laws are for the purpose of establishing liberty, to enable the will of the people to prevail. We, who ask for this legislation, come here in the name of liberty. We ask that the will of the people shall not be thwarted by a new despot. The men who stand in the same position as the czar and the king of the old days are the men today who are exerting the powers of invisible government, for corrupt business purposes, who are using the press and other agents in breaking the laws of America. There is a power that is throttling government.

In Maryland, if I am rightly informed—I am speaking from information from one who is active in Maryland, who told me this—they are paying \$6,000 a day in taxes to the government of Maryland for the permission to carry on this gambling business. They have corrupted the legislators with the thought of large income from the gambling business legalized.

I am a tremendous admirer of Senator Borah and his ability, and I think he will realize this, that here where the danger is and why the people resort to bureaucracy. Take the liquor traffic. If we tried to close a saloon, say, in my parish in New York, we found that the liquor business was no longer local, but national and coordinated in the control of a few men. That liquor saloon which we wished to compel to obey the law would appeal at once to some national liquor agency, which would turn all of its forces to kill our efforts against that liquor saloon. When the liquor business became national and Federal power. The nation was compelled, in order to get its liberty from that liquor traffic which was demoralizing the Government, to adopt the Eighteenth Amendment to the Constitution of the United States. We had to turn to national power.

Now, this is an exact simile. The race-track gambling business is in the autocratic control of some of the most adroit, corrupt, wickedest men in our country, who are demoralizing the American people by exploiting the gambling habit. They have corrupted the government of many of the States. But when driven out of most of the States it has become an interstate traffic. It can not be destroyed in its evil practices, except as the United States Government shall assert its supremacy. We are turning, therefore, to the Federal Government.

I have suggested amendments to section 5, hoping to meet the reasonable objections of the legitimate press. But they have rejected them and have no modifications of the section to suggest. My suggestions were by the insertion of two clauses. After the words "or wagers" insert "which are being made or offered," and then in the third line, after the word "money," insert "which are being offered to be won or lost"; which would make it clear that it refers only to advising bets and giving information about the odds which makes the betting system possible.

I challenge anyone to quote from section 5 any words which would interfere with any newspaper publishing all the news about any race or contest, provided it did not state the odds offered or laid, "by way of advice or suggestions," in such a way as to assist promoted gambling.

It is clearly a misinterpretation of the bill to say, as has been said at this hearing, that "it could put in prison a boy who wrote his father about the odds on a Harvard-Yale football game," or that "it would forbid the mailing of news in the public interest; for instance, that a notorious embezzler had made heavy winnings by backing horses at Latonia race track." Note in section 5 that it is not forbidden to publish the outcome or results of races or contests, but only to print the odds "by way of advice or suggestions" as to how to bet or how to settle one's bets.

The danger to the newspapers of America is not in forbidding by law that newspapers shall be partners of the gambling business, but it is in the press submitting to be a cat's paw in an iniquitous business that is defying the will of the people of America as it is expressed in their laws.

A free press is one which is serving the welfare of the people, uninfluenced by any selfish powers. The old simile of the old king and the church keeping liberty

away from the people does not apply in America where the people have the power themselves. We need to be careful about that analogy, because it is very deceptive. It is very important that we should see who it is that are the enemies of the people—those powers that control the press for selfish purposes.

Mr. McCORMICK. Mr. Chairman, I very much object to such a remark as that. It has nothing to do with this matter. I refer to the words "those powers that control the press."

Mr. CHASE. Was it you who made the address here? I am replying to you.

Mr. McCORMICK. Yes. I did not say anything about the press.

Mr. CHASE. You argued that this bill violated freedom of the press, which you said was the latest of the freedoms extorted by the people from their rulers. I want to reply to your argument. Who was it that secured the liberties of the people in England, and who was it that cut off the head of Charles I? Who was it brought freedom to America and were the founders of our free institutions?

Mr. McCORMICK. Various people. Cromwell cut off the head of Charles I.

Mr. CHASE. It was the Puritans, the religious leaders in England and America.

Mr. McCORMICK. And who dug up Cromwell's bones?

Mr. CHASE. Who dug up Cromwell's bones?

Mr. McCORMICK. It was the Episcopalians.

Mr. CHASE. I do not follow you. It does not matter who dug up the bones of King Charles. But it matters who won our liberty. What I am saying is this, that the men whom you are calling Puritans, the men you are calling narrow, are the men who won the liberty of the press, which you say this bill invades. That is what we are doing—standing for the liberty of the people and for the liberty of the press. Milton, the greatest Puritan, is the author of the greatest treatise on the freedom of the press which has ever been written.

Senator BORAH. Basically, I suppose that we all around this table agree that we ought to reach this evil of gambling. But you people assume that the autocrat here in Washington ought to decide the matter.

Mr. CHASE. No; I am not saying for the autocrat—

Senator BORAH. But that is what you are making.

Mr. CHASE. No. If this bill permits no appeal to the courts from the Postmaster General, I stand for some amendment which will permit an appeal to a court. I am standing for our cause—

Senator BORAH. But suppose you have a Postmaster General who believes in gambling; what are you going to do about it?

Mr. CHASE. Refer it to the court.

Senator BORAH. What court?

Mr. CHASE. That is what your committee is here to determine.

Senator BORAH. If you will establish a law which can be enforced in court where you can have openness and publicity, and which applies to all alike, you have a free government; but where you have a law which vests in one man the discretion whether he can execute the law, then you have a despotism, whether it is in a Republic or not.

Mr. CHASE. I agree with you absolutely; but I do not want you to be a cat's-paw in this iniquitous business, and be misled by the objections to this particular bill, which are ostentatiously made in the name of the freedom of the press but are in reality arguments for the purpose of fooling you into consenting that the greatest gambling business in this country may continue to use the United States mails without any effective opposition. In order to meet your objection, if you are right in your opinion that there is no appeal in the United States district courts from any action taken by the Postmaster General under section 5, I suggest that the following be added at the end of section 5. It is the same as drawn up by you and included in the Sterling antiseditious bill, S. 1375, as follows:

"Provided, That any author, publisher, or party affected or aggrieved by the action of the Postmaster General in excluding materials from the mails under this section shall, upon filing a bond to cover the actual cost of such proceeding, be entitled to a hearing de novo before a judge of the Federal court of the district or circuit in which the party affected or aggrieved resides. The court shall have power during the pendency of the proceedings in court to suspend the order of the Postmaster General; *Provided further*, That no such court proceedings shall bar or interfere with any criminal prosecution under the terms of this act."

# STATEMENT OF MR. FREDERICK W. HUME, EXECUTIVE SECRETARY NATIONAL PUBLISHERS' ASSOCIATION.

Mr. HUME. May I have a moment on behalf of the National Publishers' Association?

Senator STERLING. Yes.

Mr. HUME. I have appeared before you, Senator, before another committee, on the subject of second-class postage.

Senator STERLING. Yes.

Mr. HUME. We are not interested so vitally as the newspapers, but it seems to me, as Senator Borah has tried to establish, there is a real danger in this matter of bureaucracy. As you remember, Postmaster General Hays brought up the matter of the alien newspapers not so very long ago. He said in his dispatch that these papers are violating the laws, and the regulations of the department, and carrying seditious matter. That is strictly a matter of justice, not for the Post Office Department. Now, it seems to me that these various laws covering gambling on tracks in the various States—that is entirely misworded as carrying a postal restriction on, for this reason. If it comes under the State law or the Federal law, it is up to the Department of Justice. I think the Postmaster General has declared himself publicly in the press that this does not concern him, or he does not understand this amendment applies as being under the Post Office Department; and when it comes to the moral side of it, I think as a newspaper reporter back in the olden days in New York, and when we had that fight in New York when the late James H. Keene was alive, when he said, "You can not regulate morals by legislation; that is a function of the Almighty," I think he said a great deal. So that when you come down here to regulate the freedom of the press, I think it is a dangerous precedent to involve it as a ruling of the head of a bureau. Newspapers are second-class mail matter, and that comes under the rules and regulations of the department; and to inject a piece of legislation of this kind which apparently deals with the Department of Justice, I think exceeds the intent and purpose of that amendment.

Senator STERLING. No; the statute prohibits the sending of obscene literature through the mails, and the Postmaster General is the first authority to pass on that question.

Mr. HUME. Yes; but this is a question of rule. As I say, he said it was a matter for the Department of Justice to decide whether it was violating the law of a State or the Federal law, and you ought not to establish a bureaucracy to say you can or can not transmit news because of the elements involved in section 5; and therefore I think it is entirely out of the wording and intent of that section.

Mr. McCORMICK. I want to read these words: "The enemies of the people are those powers which control the press for selfish purposes." Those are the words that I objected to. So far as this information is concerned, there is no member of the Chicago Tribune who knows anything about it. There is no news in the Chicago Tribune which refers to any such thing. The press has been controlled in the past by law, in various ways. It may be controlled again by laws. There is no other way of controlling a press. It might be influenced by money—that is possible; there is no suggestion that in this case any newspapers have been approached with financial inducements or by advertisement.

There is one other way of effecting the influencing of the press, and that is by coercion—coercive language; and that is what I objected to on the part of the next to the last speaker.

Senator STERLING. Is there anything further?

Mr. McCORMICK. That is all, sir.

Mr. CARROLL. I believe it is understood that Mr. Hancock and myself may file briefs. I do not desire to take the time of the committee at all in presenting any argument, but I do desire to file a brief on one of the fundamental principles involved here, as to the policy of extending laws of this character, and as to the possibility of leaving the matter with the States.

Senator STERLING. That will be permitted.

Mr. CARROLL. Mr. Hancock and myself represent the breeders of thoroughbred horses.

Senator STERLING. Senator Borah, do you know of anything else to come before the committee?

Senator BORAH. I do not know of anything.



Senator STERLING. If this be all, it will be considered, then, that the hearings are closed.

(Statements of Mr. Dinsmore and Maj. Scott, and a resolution of the Maryland State Grange; a brief of Mr. A. J. Carroll; and a statement submitted by Mr. A. B. Hancock are here, by order of the subcommittee, printed, as follows:)

STATEMENT BY WAYNE DINSMORE, SECRETARY HORSE ASSOCIATION OF AMERICA, UNION STOCK YARDS, CHICAGO, ILL.

Mr. Chairman and members of the committee, I am appearing in behalf of the Horse Association of America, a national organization incorporated under the laws of Illinois, whose purpose is to aid and encourage the breeding, raising, and use of horses and mules. Our members are found in every State, in all breeds, and in the allied industries whose products are used on, with, or by horses and mules.

Few people realize the far-reaching economic importance of the animal motive power of this country. We had on January 1, 1920, when the census was taken, approximately 20,000,000 horses and almost five and a half million mules on farms, and a little more than 2,000,000 horses and mules in cities and other nonagricultural work. Of the animals on farms, more than 17,000,000 were actually used in farm work this past season, and as the census disclosed only 246,000 tractors and 139,000 motor trucks (in round numbers) on farms, it is at once evident that horses and mules furnish more than 95 per cent of the motive power used in field work on farms. Evidence, conclusive in character, exists to prove that horses and mules furnish the most adaptable, reliable, and economical motive power for farm work and for all city hauling that comes in the horse zone; and the maintenance of horse and mule breeding is therefore of far-reaching importance to the prosperity of agriculture, on which our general business prosperity depends.

Actual experience has shown that there is a vast difference in horses with respect to their strength, speed, adaptability to certain lines of work, endurance, and length of life. This has been recognized for centuries, and the most intelligent and skillful breeders have selected the best horses, have bred them together, and by long-continued, careful selection of the progeny, have gradually produced horses that were better suited to the peculiar work for which they were intended.

The draft breeds—Suffolk, Shire, Clydesdale, Belgian, and Percheron—were developed to pull heavy loads on the farm or on the road at a walk or slow trot; the light breeds—the Thoroughbred, Standard bred, Hackney, Morgan, American Saddle Horse, and Arab—for speed at the trot or gallop and for strength with speed; and mules have been bred from mares of all types, but have been produced mainly for draft or pack purposes.

The breeds I have named are recognized as distinct breeds; i. e., they have certain distinct characteristics differentiating them from others of the same species, and the power to transmit those distinguishing characteristics with a high degree of certainty to their descendants; and no group of animals can be characterized as a breed until it fulfills the requirements just set forth. The animals of patience, skill, expense, and the long period required to evolve animals of superior type, even within existing breeds, makes the task of live stock improvement slow and arduous. It is not surprising, therefore, to learn, from the census of 1920, that of the approximately 20,000,000 horses on farms and ranches, less than 200,000 are pure-bred horses of the various breeds. This means that less than 1 per cent of the horses in this country are pure bred; and as not all of those that are pure bred are suitable for the improvement of our common-horse stocks, it follows that our supply of pure-bred seed stock is very limited; and especially is this true of the hot-blood strains.

It was argued here in the hearings December 9 and 13, see statement by Crafts, paragraph 4, page 12—paragraph 8, page 30—that the thoroughbred horse was of no practical use and of no value save as a gambling machine, and that the horses which rendered greatest service in the late war were of plainer, rougher stock.

The facts are that the thoroughbred furnished most of the foundation stock from which the standard bred trotter and the American saddle horse developed; that the three just named with the hackney, Morgan, and Arab—also hot-blood strains—were widely distributed and used in improving our common horse stocks from colonial times down to about 1905; that practically all mon horse stocks from colonial times down to about 1905; that practically all of the million and a half horses and mules bought in America and exported

for army use in the late war carried some hot blood in the basic stock; that there were so few that carried hot blood in the top crosses that foreign army officers declared in disgust that we had no horses fit for cavalry; and it is further true that while the hackney, Morgan, American saddle horse, standard bred, Arab, and thoroughbred all have their proper place in the improvement of our common horses, the thoroughbred is the most important of all in developing cavalry horses, cow ponies, hunters, and weight-carrying saddle horses; and this is because of greater speed, a more definite type, and greater precedence than any other except the Arab; but all of these are needed, for each has its own place to fill and each is best suited for crossing on mares of certain types and breeding or for the production of horses for a specific purpose.

I have obtained, and submit herewith, statements from leading western ranchmen, whose long experience with saddle horses and actual observation of horse breeding, makes their statements of special value.

George Lane, of Calgary, Alberta, Canada, the most famous breeder of Percheron horses in the world—who now controls ranches exceeding 125,000 acres in area—says, under date of December 13, 1921:

"WAYNE DINSMORE,  
"Secretary Horse Association of America,  
"Union Stock Yards, Chicago, Ill.

"DEAR SIR: I am informed through newspaper reports that efforts are being made to pass State and Federal laws which will interfere with racing in your country. I hope the Horse Association of America will oppose actively such injurious legislation.

"I am, as you know, chiefly interested in raising Percheron horses and beef cattle. I am now far up in years. What I have to say comes from long experience. I served as a scout in the United States Cavalry in their campaigns against the Indians in the seventies; subsequently worked as a rider on Montana ranches; and from 1883 until 1921 have been connected with the Bar U Ranch in Canada, first as a rider, then as foreman, later as a partner and within recent years as sole owner. On this and other ranches we controlled we have in some years carried as high as 20,000 cattle and more than 3,000 horses of various breeds and types. Our work has made it necessary to keep from 150 to 200 saddle horses available for use, and constant study of so large a number for almost 40 years has convinced me that the thoroughbred is indispensable in developing good saddle horses, regardless of whether same be needed for civilian or military purposes.

"I am a Percheron breeder. I believe draft horses are most generally needed, most useful, and most valuable to the ordinary farmer; but this does not prevent me from recognizing that the thoroughbred is needed. I have owned and used thoroughbred stallions at various times during the last 30 years; and since 1912 I have kept thoroughbred sires constantly on the Bar U Ranch in order that I might produce the right kind of saddle horses needed, for I found that constant grading up with draft blood, even on broncho mares that had a foundation of hot blood, was making my horses too slow and unwieldy for work under saddle.

"I have crossed thoroughbred sires on broncho mares; on grade Clydesdale mares; on mares sired by Percheron stallions out of broncho dams; on mares that were three-fourths or seven-eighths Percheron; and whenever I had a pure-bred Percheron that would not settle to a Percheron sire, I bred her to a thoroughbred sire, and usually got such mares in foal, the result being a cross-bred thoroughbred-Percheron. We have bred the female produce resulting from these various crosses to both thoroughbred and Percheron sires, so that we have horses carrying various degrees of thoroughbred blood, from one-half to seven-eighths bred from mares of various types and blood strains.

"From long experience in the use of such horses and our actual breeding operations I know that the thoroughbred cross on any draft mare increases quality, endurance, and length of life. The half-blood and three-quarter blood thoroughbred colts out of 1,000 and 1,200 pound mares have made tough, active, fast-going saddle horses, but I will just say a word here in regard to crossing the thoroughbred horses with the heavy draft horses, any type. This I find for good saddle-horse purposes, and especially for cow-horse purposes, a vital mistake, because they grow big and make horses weighing from 1,400 to 1,500 pounds and lack the action and are very rough to ride, and after getting tired are very liable to fall and cripple up the rider. They are a very fine



looking horse and do a lot of good serviceable slow work, but can not keep up the fast riding for any length of time.

"In England, when I was there, I met a good many people who were anxious to cross the thoroughbred and heavy draft horse. Some of the military men, especially the leading military men, were just bound to cross the thoroughbred with the heavy draft horse and were sure that this was the way to raise the best cavalry horse, but I stood right out and said "No," as I tried this a good many times and found the change too quick, and they lacked the action and the good quality; but I am well satisfied that some of the breeders are trying this in England now. My experience is keep the heavy draft horse to himself. For our cow horses give us three-fourths thoroughbred and one-fourth Percheron, and you will find that you will get the most intelligent and most suitable horse for cow work that you can get and an extremely good roadster, and as a rule they do not get too heavy and give a lot of good service.

"I personally feel that it would be a vital mistake to do away with the thoroughbred horse for the generation of people coming on, for I know personally the good that the thoroughbred has left behind him, and at present I am fixing up to breed a few more. I have great pleasure in going to my ranch and looking at the thoroughbred horse that I shipped from Old Mexico to the Bar U about 12 years ago, and whenever I see any of my men riding a pretty good saddle horse I say "There, that's another one of the Spooner's from the horse I brought from Old Mexico," and they have proven their worth with me many times over, both in work and in pleasure. This horse I shipped from Old Mexico is one of the Peepo-Day horses, broken down by long racing. I bought him and shipped him to this country.

"Because I have been convinced by actual experience of the great value of the thoroughbred blood I have within the last three years imported a few mares in order that I may produce on the Bar U Ranch enough thoroughbred sires for my own use.

"If this information is of value to you in combatting the efforts of so-called reformers to kill racing—which has made the thoroughbred—you are welcome to use this letter as you wish."

C. B. Power, of Helena, Mont., another noted ranchman, telegraphs as follows:

"WAYNE DINSMORE,  
Chicago, Ill.

"Absence prevented answering earlier. Please record our interests strictly favorable your attitude. The horse will always be with us regardless all inventive appliances. There are only two types, draft and light weight; draft horses can not fill entire bill; need standard and thoroughbred cross for general utility animals."

Wallis Huidekoper, of the American ranch, Wallis, Mont., writes:

"I understand that efforts are being made to pass legislation that will kill horse racing in our good United States and I sincerely trust your association will do everything in its power to prevent this action and stop such foolish and injurious laws from going into force. We certainly have had enough reforming recently and, without entering into this part of the discussion, I must say I am greatly opposed to any effort tending to kill horse racing and in so doing put out of business the most noble breed of horse in existence, namely, the American thoroughbred.

"I am no racing man, but a great lover of horses and a man that has always lived with and worked among horses, both as a cowboy, cavalryman, and ranch owner, to say nothing of following my wolf hounds on horseback. There is no greater pleasure to the lover of animals than to see the fair racing of horses, and such horses as the American thoroughbred. They are a most distinct type of what our constructive breeders can do and are a horse among horses and a breed that should be perpetuated.

"As a young man I worked for the large horse outfit owned by members of my family which operated in the extreme western part of the Dakotas, running horses on the open range; they owned as high as six to seven thousand horses running on grass. The company was known as the Little Missouri Horse Co. and became quite celebrated. Large horses, Percheron, finally became the prevailing stock animal, but at the start we had smaller animals of inferior merit. To handle this herd took a great number of saddle horses and it soon became apparent that the so-called cow pony was not of the right type for range work on a horse outfit.

"A very fast and clean-limbed racing thoroughbred stallion was purchased in one of the Southeastern States and brought to the ranch, where he was successfully bred to our small western mares with the result that we had the most wonderful lot of saddle horses imaginable, with which we could run down and handle our wildest range horses. They had the quick intelligence and speed of the thoroughbred with the endurance and hardness of the western horse and were a wonderful animal and exactly fitted for their purpose.

"If this letter is of any value to you in helping combat the efforts of the 'reformers' in killing racing and the thoroughbred horse at the same time, you may use it."

The Matador Land and Cattle Co., of Denver, which western Senators will recognize as one of the most famous cattle outfits in America, says:

"From the public press we notice that there is on foot an effort to pass Federal and State laws to prohibit horse racing in the United States, and as breeders of high class saddle horses, etc., we hope you will make every effort to oppose very strongly, legislation of this kind, which, in our opinion would not be to the best interest of the country.

"We use nothing but pedigreed thoroughbred stallions on our breeding ranches for our own use, and we can show with pride, the best aggregation of saddle horses in our part of the country, and without the thoroughbred sire this would be impossible.

"Just because a few professional reformers are against raising thoroughbred horses, is no reason why the racer should be doomed to everlasting oblivion.

"We trust, therefore, that you will do all in your power to prevent the passing of legislation that will destroy an industry (the breeding of thoroughbreds) that has been handed down to us for generations."

The Brown Cattle Co. (Inc.), of Birney, Mont., writes:

"Your interesting letter of December 30 received this morning, and if any experience that I have had in raising and breeding horses, will in any way help you to combat the efforts to kill racing, and with racing, the thoroughbred horses, I am more than glad to give it to you.

"We have been, since the year 1886 engaged in the raising of cattle in Montana, first on the open range, and since that has passed, in large pastures, both in Montana and south Dakota, and as this necessitates a large number of horses, I easily became interested in raising the best type of horse possible for this work.

"Our first mares were from Texas, light boned, small horses, and after a number of years, breeding to standard bred horses, we found they were getting too heavy for range work, and lacked that peculiar understanding, brains we call it, to make a good cow horse. About 1900 we obtained a thoroughbred stallion, Montrose, and practically all his get, developed wonderful endurance, together with the ability to learn how to do the right thing at the right time, so necessary in a cow horse. Since the event of Montrose in our outfit, we have stuck to the thoroughbred strain, with good results at all times.

"I think the best all around type of horse, certainly the best type of horse for our work with cattle, that can be produced, is a three-fourths thoroughbred and one-fourth Morgan or Percheron.

David Hilger, of Lewistown, Mont., whose long experience in practical range matters is equaled by few, writes:

"I am in receipt of your favor of the 28th instant with inclosure of copy of letter from Mr. George Lane, of Calgary, Canada, and you may rest assured that I found great pleasure in perusing it.

"For your information will state that I left Minnesota when a boy 9 years of age, coming with an immigrant outfit to Montana in 1867. For years I rode the range as a cowboy in this State and have been engaged in the breeding and raising of horses and cattle for practically half a century and ought to be at least fairly familiar with the use of horses. At present I have a nice bunch of Percherons, which have been bred up from ordinary mixed breeds until I can now say that they are practically all full-bloods.

"I certainly know something about saddle horses, and it amuses me very much to hear of attempts being made to represent before a congressional committee that the thoroughbred is of no practical use.

"I remember well in the years gone by when the buffalo roamed over a great portion of Montana, especially along the Milk River, that the Indians took great care of their "buffalo horses," which were always selected for their fleetness, endurance, and wind, and were used for no other purpose than chas-

ing the buffalo. The heavier, poorer, and less fleet horses were used for the drudgery of camp life and the heavy packs in transporting the Indian luggage from one place to another. It was surprising even at that time to note the great care that the Indians took in producing fleet and sure-footed horses. The buffalo horse of that day was no more nor less than the first-class cow pony of to-day.

"It is utterly impossible to make a saddle horse out of a work horse. God Almighty created both kinds for specific purposes. The Clyde or Percheron or Norman strains are essentially necessary for the heavy draft horses, but are utterly useless for saddle purposes. On the other hand, the thoroughbred lighter stock is absolutely necessary in producing a sure-footed, active, long-lived saddle horse. The assertion that such thoroughbreds are of no practical use is sheer nonsense and demonstrates the total ignorance of the person making such a statement, who has certainly never had any experience with saddle horses required in the operation of the stock business of the West.

"I have found by experience that any strain of the heavy draft horses when used for saddle purposes results in a clumsy, awkward horse, not sure-footed and dangerous to ride, especially in rough country, and one that usually gets 'hung up' in a very short time, with stiff joints, etc.; whereas the thoroughbred strain produces a saddle horse weighing from a thousand to eleven hundred pounds that are always sure-footed, last for a great many years, and in fact is the only horse that can be safely used in the operation of the cattle business.

"Of course, with the advent of the automobile the so-called driving horses, especially of the trotting strains, have been practically put out of business. I say that the saddle horse is as necessary in the operation of the cattle business as the draft horse is in pulling the plows of the farmer. With the possible exception of a beautiful woman, to my mind God's most perfect creation is a thoroughbred horse, ranking equally in grace and beauty with the deer or elk in their native haunts.

"I think the best class of saddle horse that I ever saw was from a graded-up Indian pony and a thoroughbred Kentucky stallion, and I fully agree with Mr. George Lane's conclusions with regard to having a small strain of the Percheron intermixed with the thoroughbreds, sufficient to give them size and strength. Both Mr. Lane and the writer will tip the beam at more than 200 pounds, which with an ordinary cowboy's saddle makes a load in the neighborhood of 250 pounds. To carry this requires a horse of strength, especially over rough country, one weighing from eleven to twelve hundred. For this reason the average cow pony needs an increase in size by a slight admixture with the heavier grades of horses. This is so well recognized by the old-timers out here as to need no explanation or repetition.

"It is indeed amusing to learn that the so-called reformers are branching out to kill horse racing, proceeding on the theory that a thoroughbred can not be used for purposes other than racing. It simply goes to show to what extent these fanatics, in order to carry their point, will impose their views upon congressional committees and other intelligent bodies; another example of a minority of long-haired cranks seeking to deprive a healthy majority of age-old rights and privileges in the enjoyment of God's gifts. These reformers who want to put this over have probably never been west of the Mississippi, and, if so, only on railroad trains, have never had any practical experience in the use, handling, or riding of horses, know nothing about the operation of the stock business, and I hope that the good sense of any congressional committee will prompt the kindly telling of these gentlemen where to head in at."

Many other statements from men of long experience in horse use and breeding could be presented, but would merely serve as evidence of cumulative character; and what has been submitted is sufficient to prove that the thoroughbred is valued, because the cross of this blood on common horses increases speed, endurance, ability to withstand hard work in hot weather, and length of life—all of which are of direct value to the owners and users of horses.

Racing has made the thoroughbred. It has developed endurance, courage, gameness, and speed, and has also made it possible to determine which horses in each generation possessed those desired qualities in the highest degree. Those which excelled were selected and used to reproduce their kind, and steady, persistent work along these lines for three centuries has given us the thoroughbred of to-day. The breed represents, in a direct way, nature's age-old law—the survival of the fittest—and progress is measured by centuries, each generation of breeders building on the work of men who have gone before.

The thoroughbred has always been needed in the slow task of increasing the utility values of animal motive power, and it is needed more to-day than ever before for factors, which have curtailed the breeding of light horses in the last 15 years, have reduced the percentage of hot blood in our common horse stocks so greatly that horsemen are just beginning to realize how much they have lost, and how essential it is that our remaining hot-blooded strains be protected and more generally used. We, therefore, urge most strongly that you avoid passing laws which will interfere with legitimate racing.

DECEMBER 27, 1921.

SENATOR A. O. STANLEY.

*United States Senate, Washington, D. C.*

MY DEAR SENATOR: I have just received a copy of the hearings of the Senate Judiciary Committee on the antiracing bill, and I am inclosing herewith a copy of the statement I expect to read and have put in the records of the hearings if I am called as a witness.

The United States is divided into five remount districts, and we have a remount officer in charge of each district who knows all the farmers, breeders, etc., in his respective district. They are most closely and thoroughly in touch with the light-utility horse breeding and they are unanimous in opinion that the thoroughbred is of great value to the country and all breeders throughout the country are also of this opinion. Any testimony to the contrary, such as is included in these hearings, is not only ridiculous but is misleading and detrimental to the light-horse industry of the United States.

Sincerely,

C. L. SCOTT.

*Major, Quartermaster Corps.*

1 Encl.

#### THE THOROUGHBRED HORSE.

One of the most valuable breeds in existence for siring general utility and riding horses is the thoroughbred horse. He is also of inestimable value as a cavalry sire, and the demand of the country to-day for stallions to sire riding horses, cavalry horses, cow ponies, and general utility horses, particularly for southern work, indicates that the demand for this breed of stallions greatly exceeds the other light breeds combined.

It was found during the World War that the riding horse in the United States, due to the general use of the automobile, was almost extinct. Gen. Bate, of the English remount service, who had charge of the English purchasing in this country, stated in his official report to the English Government that the United States had probably the best draft horse and mule in the world, but that the riding or cavalry horse did not exist in this country in appreciable numbers; and in purchasing animals in the United States, the English Government could only endeavor to secure a substitute for the riding or cavalry horse. The English, therefore, secured the majority of their riding and cavalry horses from Australia and Canada.

This Government, due to the peculiar condition of warfare in Europe, employed no cavalry, but the Remount Service found it exceedingly difficult to provide even the riding horses which were required for Infantry and Artillery of the United States Army. Only a very poor type could be procured which, fortunately, answered the purpose only because of the fact that no long marches or maneuvers were required. Our draft horses and mules were excellent.

There is a great shortage of the riding and utility horses in this country, and breeding, fortunately, has been greatly revived, and the Government, through the Remount Service of the Army, has found it necessary to encourage and assist this breeding.

As to the value of the thoroughbred blood, attention is called to the book written by Col. Preston, of the English service, of the operations of the Desert Mounted Corps in Palestine and Syria under Gen. Allenby during the World War. The Desert Corps consisted of 25,000 cavalry, and Col. Preston speaks of the thoroughbred blood as follows:

"The majority of the horses in the corps were Walers, and there is no doubt that these hardy animals make the finest cavalry mounts in the world. For many years past the Australians have been buying up the thoroughbred fallures on the English turf, and buying them cheap, to breed saddle horses for

up-country stations. As a result of this policy they now have got types of compact, well-built saddle and harness horses that no other part of the world can show."

These horses, he goes on to state, carried a trooper and equipment amounting to 294 pounds, in one campaign, all day and every day for 17 days on half rations and with only one drink of water in every 36 hours. He also states that this blood and this type of horse made the best draft horse in this campaign for use with cavalry.

A study of the breeding in all nations shows that the thoroughbred horse is regarded as one of the best sires in existence for cavalry and general utility work, and that they do more work, stand more hardship, heat and cold, and show more courage and endurance than any type of ill-bred animal. Most nations fully realize this fact, and therefore encourage and support racing in order to produce more and better thoroughbreds; France, even, going so far as to keep up its racing behind closed gates during the World War, so that its thoroughbred stock would not depreciate.

The value of racing is due to the fact that it furnishes a test for a horse, both sire and dam. All mechanical contrivances, for instance, have a severe test to determine speed, distance, weight-carrying ability, etc., and also to develop the weak points to be corrected. Even after a test, if a weak point is found or part wears out in machinery, it can be replaced or remade. This is not so in a horse or other animal; so testing for weakness, such as lack of courage, speed, stamina, etc., in order to avoid most costly mistakes is most essential in all breeds of horses where these characteristics are required. Racing furnishes this test for riding and utility horses, and because of this test race horses are recognized all over the world as the best sires which usually contain and maintain all the desirable attributes for speed, stamina, courage, and endurance which are absolutely essential in a sire for certain classes of work animals.

Arguments have been advanced to the effect that no race horses or, at least, very few race horses are used for war or work purposes, particularly in this country. This is true if you consider the actual race horse. There are only about 15,000 thoroughbreds in the United States, so in buying out of 23,000,000 we could only expect to see very few registered thoroughbreds. However, it must be remembered that a great percentage of these horses, after serving their purpose for racing or have been tested at racing, are distributed widely throughout the United States as sires. Their good blood is found in a great many of the other 23,000,000 horses in the United States. A sire, for instance, will go from a race track in the East, say, to Missouri, California, Wyoming, or Texas, and will serve many mares in these States and produce many colts which will carry the thoroughbred blood down for many generations, and thus produce horses for these States which do not have racing, which will make them famous for producing high-class horses. The thoroughbred blood is therefore found and fully appreciated in all good breeding sections of the United States. It is usually evident and traceable in a large percentage of our riding horses, cow ponies, and the smaller type utility or driving horses. If racing is discontinued or abolished, the results of breeding could hardly be less than disastrous to the utility and light-horse industry of the United States, and it would mean that the Army could not, in the event of war, mount its Cavalry or properly equip its Infantry divisions and artillery, with the large number of riding horses that are required in modern warfare.

MARYLAND STATE GRANGE,  
January 9, 1922.

Senator KNUTE NELSON,

Chairman Senate Judiciary Committee, Washington, D. C.

DEAR SIR: I inclose herewith a copy of the resolution recently adopted at the annual meeting of the Maryland State Grange, asking that the governor and members of the Legislature of the State of Maryland pass an act prohibiting race-track gambling, which we would be very glad to have your committee consider in connection with the hearing on House bill 6508.

Very truly, yours,

WM. R. PRICE,  
Chairman Legislative Committee.

RESOLUTION OF MARYLAND STATE GRANGE, PATRONS OF HUSBANDRY, IN FORTY-NINTH ANNUAL CONVENTION, HELD AT CAMBRIDGE, MD., ON DECEMBER 13-15, 1921.

Whereas the Patrons of Husbandry, an organization united by the strong and faithful tie of agriculture, working for the good of our order, our country, and mankind by laboring to accomplish, among other things, the developing of a better and higher manhood and womanhood; and

Whereas we endorse and encourage all clean, wholesome sports, including horse racing, cattle and agricultural exhibits, which tend to improve the breed and quality of live stock and agricultural products; and

Whereas commercialized race-track gambling is threatening the destruction of the sport of horse racing and is leaving in its wake increasingly large numbers of criminals, defalcations, suicides, and untold misery; and

Whereas each year a greater number of our young men and women are being demoralized by the corrupt and evil influence of race-track gambling; and

Whereas the immense amount of money derived from the profits of race-track gambling enables them to exert a powerful influence over agricultural organizations needing funds to promote agriculture, and also enables them to exercise unlimited political power; and

Whereas the future existence of race-track gambling depends to a great extent upon their ability to continue their operations under the guise of agricultural connections: Now, therefore, be it

Resolved by the Maryland State Grange, that we ask that an act be passed at the next session of the General Assembly of Maryland repealing the law creating a State racing commission and prohibiting race-track gambling in this State, and that a copy of this resolution be signed by the master and secretary and be sent by the State grange committee to Gov. Albert C. Ritchie and to each member of the general assembly; and be it further

Resolved, That it is the duty of every Patron of Husbandry who is faithful to his obligation to assist in securing the necessary legislation to abolish this evil.

And also that a copy of this resolution be sent to each subordinate grange in the State, and each county grange is hereby requested to appoint a committee of three or more members to cooperate with and assist the State grange committee in securing this legislation.

B. JOHN BLACK,  
Worthy Master,  
ELIZABETH P. JEAN,  
Secretary.

BRIEF OF A. J. CARROLL, REPRESENTING KENTUCKY BREEDERS OF THOROUGHBRED HORSES.

On behalf of the Kentucky breeders of thoroughbred horses, I respectfully submit the following statement in opposition to section 5 of H. R. 6508:

The objections to this section of the bill are fundamental. They can not be cured by modification or amendment, because no matter in what shape the section should be passed, the principle would necessarily be wrong.

At the outset I concede that there is abundant precedent to support legislation of this character; I further concede that if this law should be enacted its constitutionality would probably be upheld. So that the vital question is as to the wisdom and policy of legislation of this character.

The chief objections are:

(a) That the section constitutes an unwarranted interference with the liberty of the press;

(b) It constitutes a marked extension of the system of bureaucratic government which has become so offensive to all thoughtful people; and

(c) It is a clear invasion of the right of the States to deal with matters purely local.

The objections to the bill, so far as the press is concerned, have been ably presented to the committee and I will not discuss that feature of the matter, but will confine myself to a presentation of my views in opposition to this section based upon the other points suggested above.

Indeed, it might be said that the breeders of thoroughbred horses are not concerned with this particular section, because if enacted into law it alone would not interfere with them, but they are vitally interested because of the

fact that those who advocate this legislation have clearly stated that this bill is but an entering wedge and that it is the purpose of these reformers to follow it with other legislation, the purpose and effect of which would be to destroy the thoroughbred industry and to eliminate all horse racing in the United States. For example, Mr. Wilbur F. Crafts, who is at the head of those favoring this bill, made it perfectly plain in his statement that this was only the first installment of legislation upon this subject and that the breeding of thoroughbred horses should not be encouraged because of the fact that horses of this type are only useful as gambling machines.

This being true, it makes it imperative that the breeders of thoroughbred horses should assert their views and voice their opposition.

The breeding of thoroughbred horses is a matter of vital importance to the people of Kentucky and to the Nation. Millions of dollars are invested in this business and for more than a century the landowners of Kentucky have been striving to improve the thoroughbred horse. It is an interesting historical fact, not generally known, that when Daniel Boone at the head of a small company came through the wilderness into what is now Kentucky he established a blockhouse and organized a committee for the purpose of formulating rules for the government of those who had come with him and those who might follow. The first resolution passed by that committee was one designed to improve the breed of horses. This was prior to the admission of Kentucky into the Union.

From that day to this the best thought of the farmers and landowners of the State has been directed to the task of improving the breed of thoroughbred horses, and, as stated, millions of dollars are invested in this business and thousands of acres of land devoted to it. Accordingly, it goes without saying that Kentucky is vitally interested in any legislation which would seriously cripple this industry, and it is our confident belief that section 5 of the bill under consideration is a measure of that character. This is true, as shown above, because of the fact that it is an entering wedge looking to the destruction of all racing, and without racing the incentive to breed, perfect, and raise thoroughbred horses would be destroyed. This is true for two reasons: first, because it is only through racing that the thoroughbred can be properly developed. The horses which in racing show qualities of stamina, courage, endurance, and speed are used for the purpose of producing the new generation of horses, and those which fail in these tests are discarded. In this way the good is retained, the bad rejected, and the breed constantly improved. Second, without racing and the money derived therefrom the breeders would be unable to sell their horses to advantage, because racing is the thing which stimulates interest in horses of this character. It may be frankly said that without betting racing can not be successfully conducted, and it is an established fact that legislation making betting on racing an offense does not prevent such betting; indeed, it scarcely curtails it, the only effect of such laws being to convert such betting in certain States from a legal into an illegal act.

It is needless for me to discuss the importance of the thoroughbred horse to the agricultural interests of the country and to the Army, because elaborate statements covering these points in detail have been filed.

I contend for the proposition that it is the right of every State to prohibit or to foster racing; that each State acting separately has the right to determine whether this sport shall exist within its borders, and one State would have no just ground of complaint as to any action another State might take affecting its own territory and its own citizens. The people of Kentucky have enacted laws upon this subject and these laws represent their will and wish. There was a time when racing in Kentucky had, in a measure, gotten into bad repute, due to the connection of the professional gambler with the sport. This was in the days when bookmakers laid odds against the horses in each race and the public bet with the bookmakers. The people of Kentucky realized that in order to place and keep the sport upon the highest plane it was necessary to eliminate the professional gambler, and accordingly the legislature passed a law creating a racing commission, appointed by the governor, which commission has full power to regulate and supervise racing within the State. In addition, stringent laws were enacted making bookmaking an offense, thus eliminating the professional gambler, and recognizing that regulated betting should be permitted they passed a law legalizing what is known as the pari-mutuel system. As stated, in the days of the bookmaker the gambler bet his money against the money of the public, while under the pari-mutuel system,

which is only in operation on legalized race tracks, and during the time when races are being run on such tracks the people bet with one another. The system is this: The pari-mutuel machine is a contrivance not entirely dissimilar to a cash register. In different compartments attached to the machine are tickets bearing the number of each horse which starts in a race. Persons desiring to bet on a particular horse go to the pari-mutuel machine and purchase a ticket on that horse and the number of tickets sold on each horse is registered. At the end of the race all of the money bet on horses to win is divided among those holding tickets on the horse which did win, and the same is true as to money bet on horses to run second or to run third. So it is that the public fix their own odds; they bet with one another and the gambler is eliminated.

Following these reforms in the matter of racing in Kentucky, a large number of the most prominent breeders and business men of the State organized the Kentucky Jockey Club for the purpose of operating the three existing tracks. This corporation has among its stockholders the very best citizens of the commonwealth; its officers are men of the highest character and standing, who see to it that the sport is conducted upon the best possible plane and it appeals to the very best people.

It is not only a fair statement but one established by the utterances of the gentleman who is leading in this so-called reform to say that those who favor the passage of this bill are opposed to all forms of racing; that they desire to see this sport abolished because it does not conform to their ideas of morality and they present this bill as the entering wedge to aid in the accomplishment of the real purpose they have in view. Instead of being a part, as they stated on the oral hearing, to prevent the nullification of State antiracing laws, it is in reality, so far as Kentucky and the other States in which betting on races is permitted are concerned, an effort to nullify the laws of such States. For instance, under the provisions of this bill it would be an offense punishable by a fine of \$5,000 and five years' imprisonment to send into Kentucky or after the race had been run; it would prevent the expression of opinion by the various turf writers as to the probable chances of a horse to win a given race, or as to the odds against a certain horse, because it might be said that such news would aid and abet gambling. The same would be true as to any similar news or information in connection with baseball, football, or any other sport.

As stated, betting is a mere incident to the legitimate business of raising thoroughbred horses and racing them, but it is a necessary incident; and in order to abolish the incident the advocates of this measure would abolish the business. Where \$100 is bet on a horse race in the United States certainly more than \$100,000 is bet upon the New York Stock Exchange or the Chicago Board of Trade. Statistics show that in the Chicago wheat pit there is sold each year three times more bushels of wheat than are produced in the entire world. There can not be said in law or morals to be the slightest difference in principles between prohibiting the publication or transmission from State to State of information as to betting on races and the similar transmission of information as to transactions on the New York Stock Exchange or Chicago Board of Trade, and surely if information of this character is to be made an offense, so far as racing is concerned, it might be well said that it should be made an offense so far as stocks and grain are concerned.

Aside from any connection with racing or with the raising of horses this measure is, as stated, open to most serious objection on fundamental ground. It is a clear invasion of the right of the States to regulate their own affairs; it is an unwarranted censorship of the press; it is a radical extension of the system of bureaucratic government, and it is an effort upon the part of certain people to use the Congress as a means of imposing their peculiar views upon people who entertain different opinions.

That the States can successfully deal with this question has been demonstrated in Kentucky. The people of that State believe in racing and desire to encourage the breeding of thoroughbred horses; and again the legislature has emphasized this fact. As has been stated, the evil of the professional gambler in connection with this sport was recognized, and that evil has been eradicated. The only legal form of betting recognized under the laws of Kentucky is that through the pari-mutuel machines, in which the people wager with one another, and it is limited to race tracks conducted under the supervision of the State racing commission and during the time races are being

run. Bookmaking has been made an offense in Kentucky, stringent laws have been enacted to suppress it, and it is being gradually but surely suppressed, so that within a short space of time it seems assured that, except in isolated cases, betting will only exist in that State on race tracks during race meetings. This demonstrates that in those States in which there is no racing it is within their power to enact laws and to enforce them so that there will be no gambling of this character. Of course it may be admitted that the suppression of this form of vice is a difficult thing; it is difficult to suppress any form of vice or crime that relates to human desires or human passions, but the States can suppress it; it is their business, and they should not ask nor should they have the interference or support of the Federal Government. It is a purely local matter relating alone to internal affairs of the States, and they should be left to deal with it. The Congress would have exactly the same right to pass laws seeking to regulate the crimes of murder or arson or burglary or rape within the different States as it has to pass laws looking to the prevention of gambling within the States.

For purpose of argument it may be admitted that if all people were so constituted that they found peace and happiness and contentment in the serious things of life alone and had no need or desire for recreation or pleasure that perhaps the world might be better, though I doubt it. But it so happens that all people are not so constituted, that going to church, the doing of religious work, and the reforming of other people does not fill the full measure of their needs, to recreation and relaxation, and that a solemn and illiberal disposition are not the principal means to happiness and contentment.

It is undoubtedly true that the people who are urging this legislation are of the who are opposed to Sunday baseball or Sunday motion-picture shows, or to any other form of amusement on the Sabbath day. People bet on baseball games; they bet on practically every form of amusement, the betting being merely an incident to the sport, and it would be just as prudent and just as logical to say that the Congress should pass laws prohibiting the sending from one State to another of any news concerning baseball because the players offended the reformers by engaging in a sport on Sunday.

During the war the powers of the Federal Government were tremendously extended. Many laws were enacted as war measures which in times of peace would not be countenanced by the people. Yet the people not only submitted to such measures, but favored them because they thought they would aid in the winning of the war. Now that the war is ended, however, there is a clamor from citizens of all classes, from both political parties, that these laws be repealed; that we get back to old-time principles and practices; that we cease taking from the States the management and control of matters within their province; that we cease the placing of additional unreasonable restrictions on personal liberty and enjoyment. Yet in the face of this clamor and this feeling Congress is asked to enact section 5 of this measure, which is as radical a step toward centralization and bureaucracy, as radical an interference with the freedom of the press, with the liberty of the people and with the rights of the States as has ever been proposed.

No doubt the gentlemen who are urging the passing of this bill are opposed to publication of news concerning lynchings, riots, murders, and all other forms of crime, on the ground that news of that sort has a bad effect upon the morals of the people. They probably would like to see the publication of items concerning matters of this character prohibited by law, and it would be just as wise and just and proper for Congress to impose a censorship upon the press in this regard as to impose a censorship in the matter of publishing news connected with racing and betting on racing.

I confidently assert that there is no public clamor for this bill; that there is no real public sentiment behind it, even among the people of the States which prohibit horse racing. The sentiment in favor of this legislation is a limited one, manufactured by professional reformers who induce people having ideas similar to their own to besiege and petition Congress in favor of so-called moral legislation. I feel sure that if the question was fully understood, if the vital principles involved were explained to the people, that an overwhelming majority would say that no legislation of this character should be enacted. As has heretofore been stated, these matters should be left alone to the various States. If they do not desire to have racing within their borders they can by law so provide. If they desire to punish gambling or betting they can do so, and

when they pass such laws the duty of enforcement is imposed on the officers of the States. The Federal Government should never be called upon to extend its arms within the boundaries of a State for the purpose of enforcing the laws of that State unless an offense has been committed against the Federal Government.

Many of the statements made before your honorable committee by those favoring this bill were of so exaggerated a character as to be an affront to the intelligence of any man who has accurate information on the subject, and an affront to truth. For instance, a chart covered with dots was exhibited, it being explained that 800 of the dots indicated cities and towns in which trotting races were conducted and where no betting was permitted, while about a dozen represented running-race tracks upon which betting was permitted and gambling fostered. As a matter of fact, the overwhelming majority of trotting races are conducted, so far as betting is concerned, in precisely the same manner as are the running races. Instead of being the exception, it is the rule that at trotting tracks there is betting, open and undisguised. So, also, grossly exaggerated statements were made as to the amount of money bet on running races and the amount of percentage charge by the race tracks for conducting the pari-mutuel systems. One of the gentlemen made a bold announcement that in the State of Maryland 10 per cent of all the money bet through the pari-mutuel machines was retained by the race tracks. The truth is that he got his idea of the 10 per cent from a provision of the law of that State which prohibits race track from earning more than 10 per cent on its outstanding capital stock. It is respectfully suggested that even unilateral and reformers should not state things to be facts unless they know they are facts, and in case of doubt they should be frank enough to say that such statements are based on either information or belief.

The years since the war have been the most profitable in the history of racing because of the fact that after the hardships and horrors of war people desired recreation and amusement; they wanted their minds to be diverted and thousands of them found innocent pleasure in visiting race tracks and witnessing the tests of speed and endurance between thoroughbred horses. The gentleman who has the honor to be the leading figure in the organization favoring the passage of this bill stated that he had attended certain race meetings and that the crowds congregated there were motley ones, bent alone upon gambling and winning money; that they had grinning, ghastly faces, upon which the stamp of evil had been set. I did not see the particular crowds to which he referred and therefore can only guess at the fact that he is entirely mistaken in his estimate; that the character of the crowds as impressed on his mind was due to his disposition and view rather than to the physical appearance of those at whom he was looking. If the members of this honorable committee would attend legalized racing in Kentucky or elsewhere they would gain a wholly different impression. If they had been at the running of the forty-seventh Kentucky derby during the month of May of last year they would have seen a concourse of probably 75,000 people, happy, contented, and orderly, seeking recreation and amusement, pursuing in their own way that happiness which is guaranteed to them by the Constitution. Without guessing I can confidently say that that crowd was equal in character, in intelligence, and in morality to any congregation that ever assembled in any church or any religious gathering.

In conclusion, I earnestly urge that there is no need or genuine demand for the passage of section 5 of this bill; that the time has come to prevent people from entertaining certain views from, by law, arbitrarily imposing their views upon others; that the time has come to cease invading the rights of the States and seeking to enforce, through the Federal Government, laws of the States within their borders; that the time has come to curtail bureaucracy in government. That the States can suppress gambling if they so desire goes without saying; that they can stop bookmaking and pool selling has been fully demonstrated by what has been done in Kentucky. When the legislature of that State passed a law prohibiting bookmaking and pool selling some of the gamblers undertook to defy the law; they were successfully prosecuted and punished; injunctions were obtained against them and their houses were closed. What Kentucky did any other State can do, and can do without the aid of the Federal Government and without any legislation by Congress. This bill is vicious in principle and would be disastrous in effect. It would destroy a great and necessary business and deprive thousands of people of innocent amusements.

Respectfully submitted.

A. J. CARROLL.

STATEMENT BY A. B. HANCOCK, OF PARIS, KY., REPRESENTING THE THOROUGHBRED HORSE ASSOCIATION OF AMERICA.

Mr. Chairman, the reason for my appearing before your committee is due to the fact that the proponents of this bill have stated that there is little, if any, use for the thoroughbred horse, either for utility or military purposes, or for anything except as a gambling machine. They have also stated that this bill is the first installment of this kind of legislation that they will ask Congress to enact. We see in it an entering wedge to destroy racing and the thoroughbred industry, as from their statements and exhibits they have shown special hostility to running races and the thoroughbred.

Mr. Wayne Dinsmore, a former ranchman, then a student and afterwards a teacher in the University of Iowa, then secretary of the Percheron Horse Association and now secretary of the Horse Association of America; and at no time financially interested in the thoroughbred industry, has shown conclusively (in a brief which he has submitted to your committee) by his own statements and those of a number of the largest ranch owners in this country and Canada that the thoroughbred is not only useful but absolutely essential for the saddle horse of the whole country and for the work horse of the southern half of the United States as well.

I will show by equally as strong evidence that thoroughbred blood is necessary for military purposes, and that without racing it would rapidly disappear, and once lost would only with the greatest difficulty and expense be regained.

SENATOR JAMES WADSWORTH.

Senator James Wadsworth, chairman of the Committee on Military Affairs of the United States Senate, in a speech made on September 15, 1921, at the annual Livingston County fair held in the Genesee Valley, New York, said:

"I am especially delighted to see the interest that is being displayed at this fair in the breeding of horses. That means another branching out in our diversification program. There is not the slightest reason why the farmer can not keep two or three good brood mares, get a little work out of them part of the time, and raise two or three colts a year, very much in the nature of a by-product of his grass and hay. Well-bred colts, especially those grown from well-made, well-dispositioned mares and sired by big-boned, thoroughbred horses, fetch a good price when they reach three or four years. Contrary to the very general impression, the demand for saddle horses in this country has not decreased. We can not get much of anything in the way of money for a scrub saddle horse. We can get mighty good prices for first-class saddle horses. The spread between the two is very wide, but it is just as easy and inexpensive to raise a good one as it is a bad one.

"In addition to the purely business side of horse breeding, we ought to remember some of the lessons taught by the recent war. The Government had very little difficulty in securing enough draft horses and heavy artillery horses, but encountered a lot of difficulty in securing enough first-class riding horses for the Field Artillery and Cavalry. None of us want another war, and all of us would go a long way to avoid such a calamity. Indeed, the whole world is, for the time being at least, sick of it and wants something done to prevent its repetition. And yet we have to remember that the last war has not changed human nature; that human passions remain just about as they have always been; and that nations are, ever so often, swept off their feet by passion just as are individuals. We can not tell about that. Our children or our children's children may, in their generation, be called upon to shoulder arms to protect their beloved institutions. Surely anything that may be done in the ordinary, legitimate course of business to better prepare the country in the matter of resources for its defense is something greatly to be desired. We have sadly neglected preparations in the past, and it has cost us billions of dollars and thousands of lives. I say without qualification that a generous supply of good, first-class horses is absolutely essential to the prompt, efficient, economical, and successful defense of the country in time of war. No matter what we may hear about the motor truck and the tractor, the time will never come when armies can get along without horses. Even in this last war, which was largely a war of position, with millions of men settled down in trenches facing each other across 'no man's land,' the number of horses required by the armies was tremendous.

"The Civil War was a war of movement from start to finish. The armies traversed great distances. They marched with rapidity, and all of their transportation was accomplished with the aid of horses and mules. The Cavalry on both sides was numerous. Near the end of the Civil War the supply of horses in the South gave out almost completely, and the Union Armies as a result were finally able to outmaneuver their foes, ride around them, cut their communications, destroy their supplies. Very little of this kind of campaigning took place in France after the first three or four months of the war had gone by. But even after the armies 'dug themselves in' and long flank marches became impossible, the demand for horses increased beyond the possibility of satisfaction. This was especially true in the American Expeditionary Forces. Our Army had to borrow horses from the British and buy what were available from the French. We even went to Spain to buy animals. 'My kingdom for a horse' was the demand of the officers charged with supplying our troops. Of course, the motor truck did a tremendous service and made possible the moving of the heavier equipment. The interesting thing to remember, however, is that the statistics of the allied armies show that there were just about as many horses per 1,000 soldiers as there were in the Civil War, 60 years ago.

"As we examine the Palestine campaign we find that Gen. Allenby used clouds of cavalry. Australians, New Zealanders, British Yeomanry. The horse was invaluable. Allenby's cavalry rounded up finally the remnants of the entire Turkish army after the infantry had once gotten it on the run. In Mesopotamia as in Palestine the war was one of movement and Gen. Maund's cavalry performed tremendous service. It is most unlikely that this country will ever get into a great war of trenches such as existed for so long upon the western front in France. It is much more apt to be a war of movement and the American soldier will have to have the American horse helping him day and night.

"It is not surprising, therefore, that upon an occasion of this sort, this country fair, we find Army officers in attendance observing the sort of horses that are being bred in this beautiful farming region and ascertaining the prospects for increasing the supply of good horses. Nor is it surprising that the Army, through its Remount Service, is sending out splendid thoroughbred stallions to certain parts of the United States in an effort to encourage the breeding of good horses and it is most encouraging to learn from many quarters that a fine response is being made to this policy of the War Department.

"Farmers everywhere are beginning to realize just as their 'daddies' did 50 years ago, that a good horse is good property—that it is good business to raise good horses, not only good business for the individual citizen but good business for the whole country. And, then, too, are you acquainted with a normal man or woman who does not love a good horse? When man ceases to love the horse he will not amount to much."

GEN. HENRY T. ALLEN.

Gen. Henry T. Allen, commander of the Army of Occupation in Germany, who also commanded the second Cavalry Brigade during the expedition of the United States Army in the northern portion of Mexico, reports as follows concerning the merits of the thoroughbred as a campaigner:

"My three horses are registered thoroughbreds and all have raced—Belgian, by Mazagan; Mary Ann, by Filigane; and Helios by Star Shoot. The last named won the breeders' futurity, Cincinnati plate, and nine other races the same year. My command was composed of picked men and picked horses; and made some of the most trying marches in the southerly stretches of the campaign. From start to finish neither my orderly nor myself ever mounted any other horse than one of these. Due to an accident one of these horses was laid up and temporarily left behind. That gave only two for both the orderly and myself during the hardest part of the campaign when the marches were long and forage pitifully short.

"When horses and mules were falling out or playing out every day, we had 16 consecutive marches (without an intervening day), most of them at night, and the last one was 57 miles."

GEN. LEONARD WOOD.

Writing to Mr. Belmont, advocating the development of thoroughbreds "of the right type," Gen. Leonard Wood stated: "There never was a time in the



history of the country when we were more in need of the right kind of horses for military horses than at present."

COL. F. S. ARMSTRONG.

Col. F. S. Armstrong, head of the remount service in France during the war, recently said: "There is the utmost need in this country to-day of increasing the number of purebred horses, particularly those of the thoroughbred type, on which the War Department must depend for its cavalry mounts in case of national emergency."

COL. STANLEY KOCH.

Col. Stanley Koch, on page 7, in Remount Bulletin No. 18, published March, 15, 1920, from the office of the Quartermaster General of the War Department in Washington, said:

"The Army will always require horses in large numbers. Motor transportation can never entirely replace horses, and particularly Cavalry or riding horses. No matter to what extent tractor and aircraft may be improved the horse will always be required in war.

"In the late World War, due to the scarcity of animals our tables of organization were cut three times after time to reduce the numbers of horses required for a division in an endeavor to substitute motor transportation, but we were never able to get below 4,901 animals per division, and of this number 2,248 were riding horses. This, you must remember, refers to an Infantry division. We had no mounted Cavalry in France for the simple reason that we could not provide horses for them. All wars are not going to be fought under the conditions of this one. The day of Cavalry is not past. It is as important an arm as ever."

Col. Koch also stated: "Eliminate racing and in 10 years you have practically eliminated Cavalry in the United States."

COL. H. C. WHITEHEAD.

Col. H. C. Whitehead, of the United States Army remount service, in a letter to Senator J. N. Camden, on December 2, 1921, stated:

"The breeding of light horses is in a critical state. Demands throughout the country for five or six hundred more sires than we were able to supply indicate that farmers and breeders realize the situation and are eager to improve their horses.

"Our inability to meet the demands for purebred sires was not due solely to limited funds, but also to the difficulty in securing suitable stallions.

"The preponderance of thoroughbred sires in service is due both to demand and to supply. The thoroughbred is in greatest demand; he is also the only purebred saddle-type horse that exists in any considerable numbers. Even so, the number falls far short of the demand. If every suitable thoroughbred sire in America had been placed at the disposition of the Government we should still have been unable to meet the demands of last season.

"I wish to appeal to you as president of the Kentucky Jockey Club to continue to give all possible support to the breeding of the thoroughbred. Unless our jockey clubs, horse associations, public-spirited citizens, and legislators, both State and national, continue to render assistance and encouragement in breeding light horses, the fine type of riding horse which has been the pride of America in peace, and which is so indispensable in war, bids fair to disappear."

I will also quote a few foreign authorities on the value of cavalry.

EARL HAIG.

"Cavalry is still essential," said Earl Haig (commanding general of the English Army in France in the World War) on Monday at Canterbury, and he added that he viewed the disbandment of regiments with professional regret, while he did not pretend to criticize the financial reasons which led to their dispersal. "I am certainly not among those who hold that cavalry is a dead arm, or that the place of flesh and blood in man and horse can ever be wholly taken by petrol and machinery. Assuredly the time has not yet

come when we can afford to dispense with cavalry." Earl Haig said that when the lessons of the Great War are properly understood he was confident that they will be found to teach no one thing more emphatically than that cavalry is still an essential arm, even in a European war, and more especially so to an Imperial army such as ours. The new mechanical weapons are all highly important, but "just as they are all in the end dependent on the man, so they have not yet served to eliminate the horse, which, in the hands of a trained cavalryman, is part of the man himself." Earl Haig pointed out one specific occasion on which the absence of cavalry proved decisive importance. What might have been the result, he asked, if, in March, 1918, Ludendorff had been able to let loose an adequate force of trained cavalry against the line east and south of Amiens, which was already strained almost to the breaking point? The three British cavalry divisions did great work all through that battle and the later advances."

Gen. Seely, of the English Army, also says:

"But for the British cavalry the British Army would have been destroyed at the opening of the war; but for the French and British cavalry the Germans would have entered Paris and finished the war out of hand. Moreover, the final triumph over the Turks was due entirely to the rapid movement of cavalry." What sum is too much to pay for the arm which performed such services as these, and is ready to perform them again? No wonder that Gen. Seely said that the lessons of the war have been forgotten.

Nor was Gen. Seely the only one to come forward with testimony as to the value of cavalry. Gen. Wigan asked where we should have been in our advance on Damascus without cavalry. He commanded a cavalry brigade in that advance, and some 30,000 cavalry were pushed round on the left flank, covering 75 miles in 36 hours, and entirely cut off the Turkish communications, the result being the annihilation of three Turkish armies. That result, said Gen. Wigan, could only have been obtained by means of cavalry, and he wondered—as others will wonder—whether Earl Haig and Lord Allenby had been consulted on the question.

#### RACING ESSENTIAL.

In addition to foregoing statements that racing is essential to keep thoroughbred blood in the country can be easily seen. When adverse legislation in New York and other places some years ago seriously curtailed racing, we were registering nearly 5,000 foals—about five years later, due to exportations to England, France, Germany, The Argentine and other countries and to reduction of breeding in this country, we were registering about 1,500 and these would have been much further reduced if racing had not been increased in Canada, Maryland, Kentucky, Mexico, and other places on this continent. If racing, or the curtailment of racing makes the thoroughbred horse less valuable in this country than he is in other countries, he will naturally be sold into the country that appreciates him most and is willing to pay most for him. The law of supply and demand for his services will prevail.

The British Government has recently paid approximately \$70,000 for a stallion for the Government stud and last year paid up to nearly \$20,000 for a brood mare, besides making other purchases. The lessons of war taught them that they must foster racing and thoroughbred blood, as the continental countries had been doing for over 50 years, during which they had purchased a number of stallions at a cost of over \$100,000 each.

(At 1 p. m. the subcommittee adjourned.)



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